

NOTICE OF MEETING

Planning and Zoning Commission
December 9, 2009
Cochise County Complex
Board of Supervisors Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona

AGENDA

4:00 P.M. CALL TO ORDER

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

ROLL CALL (Introduce Commission members, explain quorum and requirements for taking legal action.)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes, other persons will each have 5 minutes to speak and Applicant can have 5 minutes for rebuttal at end.)

APPROVAL OF PREVIOUS MINUTES - (Call for motion to approve the minutes of November 18, 2009 Meeting)

CALL TO THE PUBLIC (Ask if any member of the public wishes to speak on any item not already on the agenda).

NEW BUSINESS

Item 1 (Page 3) - Introduce Docket and advise public who the applicants are.

Public Hearing, SU-09-22: The Applicant requests a Special Use Permit for five (5) contiguous RU-4 zoning districts (Rural; minimum lot size 4 acres) for a Concentrating Solar Power Energy Plant near Kansas Settlement, pursuant to Section 607.50 (Solar Energy Power Plants) of the County Zoning Regulations. If approved, the project would produce up to 200 megawatts of electrical power. The subject parcels (tax parcel id numbers 305-43-004D; 009B; 010; 012A; 012B) total approximately 1,600-acres and are located approximately four miles east of Kansas Settlement, off of Kansas Settlement Rd. Access to the site is via E. Kimzey Rd. and E. Baker Rd.

Applicant: Mr. Kim Kristoff, Agent

- Call for PLANNING DIRECTOR'S REPORT
- Call for APPLICANT'S STATEMENT
- Declare PUBLIC HEARING OPEN
 - Call For COMMENT FROM OTHER PERSONS (either in favor or against)
 - Call for APPLICANT'S REBUTTAL (if APPROPRIATE)
- Declare PUBLIC HEARING CLOSED
- Call for COMMISSION DISCUSSION (May ask questions of the applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION

ANNOUNCE ACTION TAKEN - (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available tonight with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link)

Item 2 (Page 3) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket SU-09-23: The Applicant requests a Special Use Permit for six (6) contiguous RU-4 zoning districts (Rural; minimum lot size 4 acres) for a Concentrating Solar Power Energy Plant approximately 7 miles southwest of the Bowie Townsite, pursuant to Section 607.50 (Solar Energy Power Plants) of the County Zoning Regulations. If approved, the project would produce up to 200 megawatts of electrical power. The subject parcels (tax parcel id numbers 304-01-004; 004A; 004B, 009; 023; 024) total approximately 1,120-acres and are located approximately 7 miles southeast of Bowie. The site takes access via S. Apache Pass Rd.

Applicant: Mr. Kim Kristoff, Agent

FOLLOW FORMAT FOR ITEM 1

ANNOUNCE ACTION TAKEN - (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available tonight with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link)

Item 3 (Page 78) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket R-09-02: Consideration of adoption of a new ordinance entitled the "Cochise County Hazard Abatement Ordinance" to abate/remove rubbish, trash, weeds, filth, debris or damaged or dilapidated buildings which constitute a hazard to public health and safety and which may be compelled to be removed, with due process, from buildings, grounds, lots, contiguous sidewalks, streets and alleys within the unincorporated areas of the County. The Ordinance outlines the due process for formal notification, removal by the County and recovery of costs for removal and appeal processes for property owners with hazardous materials.

Applicant: Planning and Zoning

FOLLOW FORMAT FOR ITEM 1

ANNOUNCE ACTION TAKEN - (If the Commission makes a recommendation, the Board of Supervisors meeting will be held on Tuesday, January 12, 2010 at or after 10:00 am at the same location as the Commission meeting.)

Item 4 (Page 109) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket SU-09-21: The Applicant seeks a Special Use Permit to expand an existing Bed and Breakfast Homestay (with two guest rooms – Section 603.09) to a Bed and Breakfast Inn (with four guest rooms – Section 603.10) in an existing five-bedroom, 6,200 square-foot home. The subject parcel is located at 6655 E Renegade Trail in Hereford, AZ.

Applicant: Jerry Hatfield

Director's Report on Pending and Recent Matters and Future Agenda Items

1. Board of Supervisors Actions
2. Next and potential future month's Dockets

CALL TO COMMISSIONERS ON RECENT MATTERS

ADJOURNMENT

**COCHISE COUNTY PLANNING & ZONING COMMISSION
MINUTES**

Wednesday, November 18, 2009

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chair Basnar at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors Board Room.

ROLLCALL

Roll Call.

Present: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Absent/Excused: Duane Brofer, Rusty Harguess, Cruz Silva.

Chair Basnar noted the presence of a quorum. He then introduced the Commissioners to the public. Chair Basnar then explained to the audience the procedures for considering a docket.

APPROVAL OF THE MINUTES

(Call for motion to approve the minutes of October 13, 2009 Meeting)

Motion, Action: Approve, **Moved by** Jim Martzke, **Seconded by** Gary Brauchla.

Vote: Motion passed (**summary:** Yes = 4, No = 0, Abstain = 2).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell.

Abstain: Don Hudgins, Pat Edie.

CALL TO THE PUBLIC

Chair Basnar opened the meeting to the public,

Jack Cook stated he has concerns about SPAM.

Chair Basnar closed the "Call to the Public"

Item 1

Docket SU-09-19: Planner Keith Dennis presented the docket for a Special Use Permit to establish and operate an audio and video recording studio in an existing 1,500 square foot garage on a 16-acre property in Hereford. The studio would include a 50-foot tall wireless communication tower, which the Applicant would use to transmit data over the internet to other studios, for internet media streaming, and other web-related activities. The relevant Sections of the Zoning Regulations are: Professional Services (607.26) and Wireless Communication Tower (607.38). The subject parcel (Parcel # 104-82-024L) is located at 6130 S. Kino Road in Hereford, AZ. Mr. Dennis presented maps showing the location of the property, a site plan of the proposal, and he presented photos showing the property and

location on the property. He further explained factors in favor and against. He stated there were 5 letters in support and 5 letters protesting the proposal. Mr. Dennis explained the neighbors concerns to the proposal.

Curt Vincent, Applicant, stated he wants to build a viable studio, and explained how the recording studio would be used. He explained there would be little traffic as the studio would only be used by one person at a time.

Member Brauchla asked what the tower would look like.

Mr. Vincent stated it would be triangular poles approximately 18" in diameter.

Chair Basnar opened the meeting to the public.

Michael Erickson stated he lives near the property and supports the proposal.

Carol Welsh stated she lives near the property and the Applicants have been good neighbors. They help the neighborhood financially when money is raised for road improvements. She further stated she supports the proposal.

Chair Basnar closed the meeting to the public.

Planner Keith Dennis stated staff recommends approval of the Special Use, with the conditions stated in the staff memo.

Motion: Based on factors in favor, with the conditions and modifications stated in the staff report, **Action:** Approve, **Moved by** John Wendell, **Seconded by** Pat Edie.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Item 2

Motion: Remove item from table,

Action: Remove, Moved by Jim Martzke, Seconded by Gary Brauchla.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Docket SU-09-17: Planner Michael Turisk presented the docket for a Special Use Permit in an RU-4 zoning district (Rural; minimum lot size 4 acres) for vehicle storage and business office activities related to the operation of 'Yaqui Electric', pursuant to Sections 607.13 (contract construction services) and 607.26 (personal and professional services) of the County Zoning Regulations, respectively. A Special Use Permit has been requested with the intent of legitimizing the office and vehicle storage activities related to the commercial use. The 5-acre subject parcel (tax parcel id# 107-15-031C) is located at 8435 E. Madera Dr. in Hereford (approximately ½-mile north of E. Ramsey Rd.) Mr. Turisk explained the surrounding zoning and presented maps, aerial photos, and photos of the property and

surrounding area. He further explained the factors in favor and against; he stated staff had received 11 letters in support and 5 letters in opposition.

John Morales, Applicant, stated the storage containers have been removed from the property. He further stated they would like to continue to operate the business as it has been for the last 26 years.

Project Manager for Yaqui Electric, stated moving the business at this time with the economy would cause a hardship for the business. He further stated that most of the traffic to the property is on Monday morning when the employees are getting their tasks for the week, and on Fridays when the employees pick up their paycheck.

Member Wendell asked if the storage containers were gone for good.

Mr. Morales stated he has no intention of bringing them back without the proper permits.

Chair Basnar opened the meeting to the public, there was no one wishing to speak, he closed the meeting to the public.

Mr. Turisk stated that staff recommends approval of the Special Use with the conditions stated in the staff report. He further stated staff recommends modifications and waivers presented in the staff report but that modification no.2 would be deleted as the storage containers have been removed.

Motion: Approve the Special Use with the conditions, modifications and waivers stated by staff, **Action:** Approve, **Moved by** Don Hudgins, **Seconded by** Jim Martzke.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Item 3

Z-09-06, Guerrero: Planner Michael Turisk presented the docket for a request to rezone a 1.75-acre parcel near to incorporated Douglas from R-9 (Residential, minimum lot size 9,000 sq.-ft) to NB (Neighborhood Business, minimum lot size 3,600 sq.-ft.) to allow sale of hay to individual customers and to store hay on the premises for those customers. The NB Districts allow for a maximum retail sales floor area of 2,500 sq.-ft. for permitted principal uses; the Applicant has proposed a sales floor area of approximately 1,600 sq.-ft. The subject parcel (tax id# 408-22-020) is located at 304 W. Crystal Ave., approximately ¼-mile west of incorporated Douglas. Mr. Turisk presented maps and photos of the area and explained the surrounding zoning. He further explained rezoning factors and factors in favor and against. Staff received 3 responses, 2 supporting and 1 in opposition.

Hector Hernandez, agent for the Applicant, stated there will be no livestock boarded on the property. He further stated the goats would be moved to meet the setbacks.

Chair Basnar opened the meeting to the public, being there was no one wishing to speak; he closed the meeting to the public.

Mr. Turisk stated staff recommends approval of the rezoning with the conditions stated in the staff report.

Motion: Forward a recommendation of approval to the Board of Supervisors for approval with the conditions stated by staff. **Action:** Approve, **Moved by** John Wendell, **Seconded by** Jim Martzke.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Item 4

Docket SU-09-20: Planning Manager Susana Montana presented the docket for a Special Use Permit to operate a 40,000 sq.ft. vehicle impound yard located approximately 560 feet south of the northern property line (Gleeson Rd frontage) and 770 feet west of the eastern property line on one-acre of a 125-acre parcel at 4773 W. Gleeson Road in the rural area of Elfrida. The property is further described as being situated in Township 20, Range 26 and Section 18 of the G&SRB&M, Cochise County, Arizona. The impound yard would be fenced and screened with a 6-foot tall solid metal perimeter wall with 2-feet of rolled razor wire on top for a total 8 foot tall fence and shielded security lighting. The towing would occur 5 days a week between 8 AM and 5 PM. The yard surface material would be gravel. The owners of the property, Elbert and Vivian Ruth Ogier, live on the Site and would lease the 1-acre to the Applicant for this purpose. Ms. Montana presented the conditions stated in the staff report and the factors in favor and against the proposal. Staff received 3 letters in support of the proposal and no letters in opposition.

Robert Burk, Applicant, stated he been asked by law enforcement agencies to run a impound yard for the cars seized.

Chair Basnar opened the meeting to the public, being the was no one who wished to speak, he closed the meeting to the public.

Member Edie stated she had been to the site and was a very neat and clean site.

Ms. Montana stated staff recommends conditional approval.

Motion: Approve with the factors in favor the findings in fact with the conditions stated by staff.

Action: Approve, **Moved by** Jim Martzke, **Seconded by** Pat Edie.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Item 5

Docket Z-09-07: Planner Keith Dennis presented the docket to rezone parcel 102-31-084B from TR-18 (Residential, 1 dwelling per 18,000 square feet) to GB (General Business), to

correct an error in the original 1975 zoning designation of the parcel to TR-18. The bar/restaurant structure/use on Parcel 102-31-084 had existed since 1961 (La Ramada). The 0.76-Acre subject property was subsequently split from Parcel 084 and became 084B. The restaurant/bar later lost its legal-nonconforming status due to a two-year closure. The owner seeks to re-establish the use on the property as restaurant/bar, but the rezoning would not be limited to the bar/restaurant structure/use, but would allow any permitted or special use in a GB District, as noted below. The subject parcel is located at 1948 S. Naco Highway in Bisbee, AZ. Mr. Dennis presented photos of the property and explained the zoning in the area. He further stated staff received 1 letter of support and 1 letter in opposition.

Chair Basnar opened the meeting to the public,

Jack Cook stated he went to the property for potlucks when he was growing up in the area.

Chair Basnar closed the meeting to the public.

Mr. Dennis stated staff recommends conditional approval with the conditions stated in the staff report.

Motion: Forward the docket to the Board of Supervisors for approval with the conditions stated by staff. , **Action:** Approve, **Moved by** Don Hudgins, **Seconded by** Jim Martzke.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Item 6

Dockets SU-91-14 and SU-01-03: Planning Manager Susana presented a staff-initiated request to revoke the Special Use Permit authorizations for a private airstrip, aircraft hangers, health training and indoor and outdoor activities, and a 40-space RV Park on a 160-acre parcel, Parcel No.108-08-009, located at 2940 to 2944 N. Four Pillars Road in the Tombstone/Whetstone area. The revocation is sought due to the failure of the Applicants to meet the conditions of approval for either permit. Ms. Montana presented photos of property and surrounding area.

Robin Stoddard, agent for the Applicant, stated the Applicant is not able financially to continue with the RV Park, and Bible College, but would like to continue to secure the proper permits to use the airstrip.

Mrs. Vos stated she would like to keep her dream of the project alive; she is optimistic but with a bad economy cannot go forward with the permits.

Mike Jackson asked about the violation, and asked if a touch and go landings would be considered more then one flight a day.

Mr. Stoddard stated this is to be a private use airstrip not used as a commercial airstrip.

Ms. Montana stated that staff feels the Applicant does not want to go forward with the 2001 application there fore go forward with the revocation; however staff feels the Planning Department could retain the 1991 Special Use for just the private landing strip.

Member Wendell stated he feels the Planning Department has been to lenient with the Applicant, and the Special use applications from 1991 and 2001 should be revoked, and if the Applicant wants to go forward, they would reapply.

Chair Basnar Agreed.

Member Martzke also agreed.

Motion: To revoke the 1991 & 2001 Special Use applications, **Action:** Revoke, **Moved by** Jim Martzke, **Seconded by** Don Hudgins.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.

Director's Report on Pending and Recent Matters and Future Agenda Items

1. Board of Supervisors Actions included the wind zoning amendment, and solar zoning amendments were approval. The Board of Supervisors approved the appeal for Jenson auto repair, and the Knee Deep Partners appeal was denied. The Bowie Power Plant request for an extension was also approved. There is a work session on November 19th on the owner builder opt out. Would the Commission be available for a joint work session with the Board.
2. Next month's Dockets; there will be four dockets.

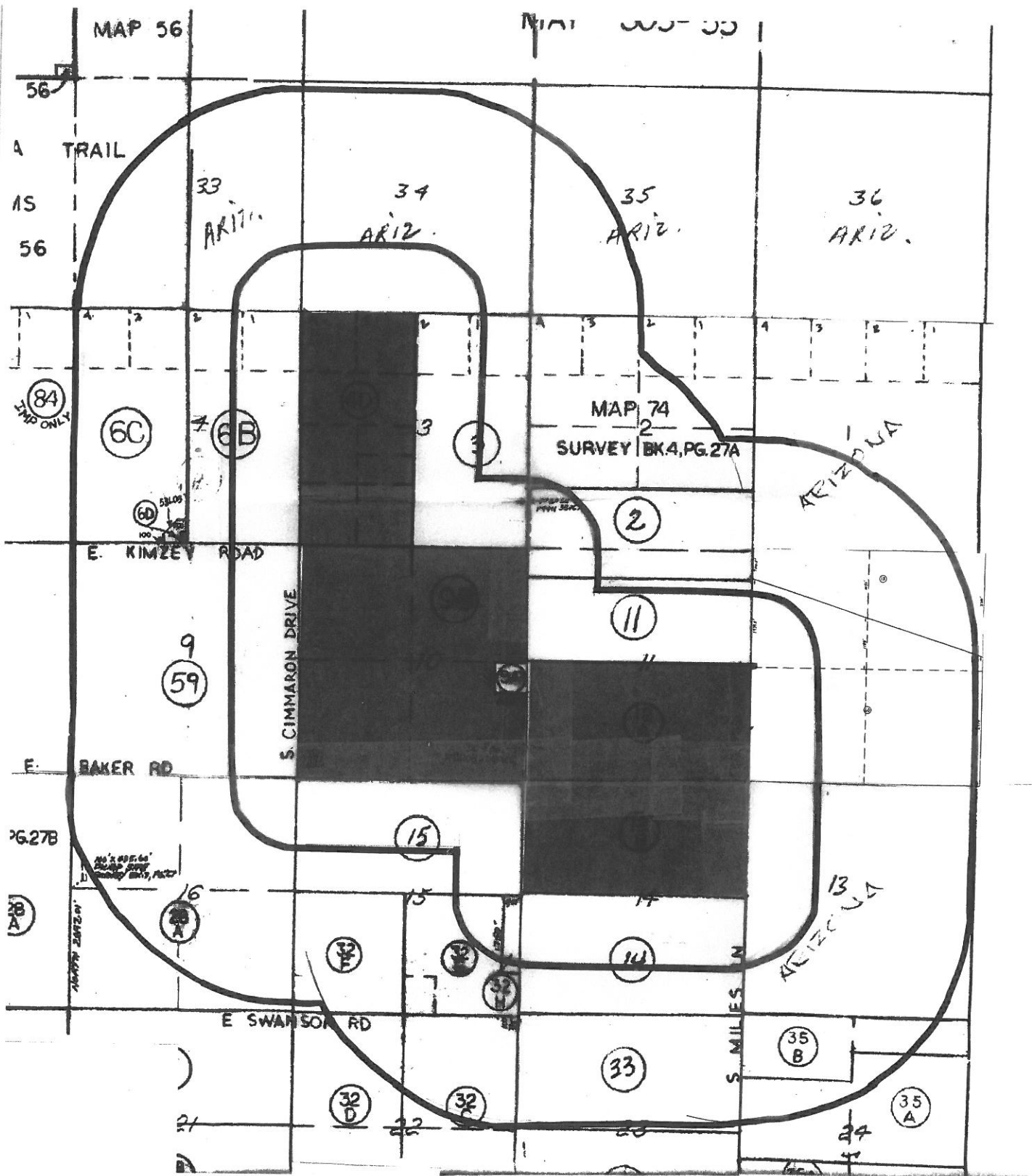
CALL TO COMMISSIONERS

ADJOURNMENT

Motion: Adjourn at 6:32 p.m. , **Action:** Adjourn, **Moved by** Don Hudgins, **Seconded by** Pat Edie.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: Jim Martzke, Lee Basnar, Gary Brauchla, John Wendell, Don Hudgins, Pat Edie.



SU-09-22

BOOK 305 MAP43



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

MEMORANDUM

To: Planning and Zoning Commission
From: Michael Turisk, Planner II *MT*
For: Susan Buchan, Planning Director
Subject: Dockets SU-09-22 and 23 ('Sustainability Development')
Date: November 24, 2009 for the December 9, 2009 Planning & Zoning Commission meeting.

APPLICATION FOR TWO SPECIAL USE PERMITS

This memorandum reviews two Special Use Permit applications to develop and operate two Solar Energy Power Plants on two separate sites, per Section 607.50 (Solar Energy Power Plants) of the Zoning Regulations. If approved, each Solar Energy Power Plant would produce up to 200 megawatts (MW) of electrical power.

The 'Oxbow' solar power plant would be constructed on a 1,600-acre site that includes five (5) contiguous RU-4 zoned parcels (Rural; minimum lot size 4 acres) near Kansas Settlement, approximately four miles east of Kansas Settlement Rd. The subject parcels (tax parcel ID numbers 305-43-004D; 009B; 010; 012A; 012B) are accessed via unimproved E. Baker Rd. and E. Kimzey Rd. and are further described as being situated in Township 16S, Range 26E, Sections 3; 10; 11 and 14 of the G&SRB&M, in Cochise County, Arizona.

The 'Bowie' solar power plant would be constructed on a 1,120-acre site that includes six (6) contiguous RU-4 zoned parcels (tax parcel ID numbers 304-01-004; 004A; 004B, 009; 023; 024) located approximately seven miles southeast of Bowie and east of S. Apache Pass Rd.. This site takes access via an unnamed and unimproved road that is east of S. Apache Pass Rd. The subject parcels are further described as being situated in Township 14S, Range 29E, Sections 9 and 10 of the G&SRB&M, in Cochise County, Arizona. The Applicant is Sustainability Development, LLC, Mr. Kim Kristoff, Agent.

Because the same Applicant has proposed both Solar Energy Power Plant projects that are similar in detail and scope, this single memorandum will address both Special Use Permit applications.

I. Description of the Subject Parcels:

Current Zoning: All parcels on both sites are zoned RU-4 (Rural; minimum lot size 4-acres)
Existing Growth Areas: All parcels on both sites are within Category D Growth Areas
Existing Plan Designations: All parcels on both sites are designated by the Comprehensive Plan as Rural
Area Plan(s): None
Existing Uses: The 'Oxbow' site is primarily fallow agricultural; the Bowie site is primarily creosote flats with a vacant residence and several accessory structures.
Parcel Size: The 'Oxbow' site near Kansas Settlement is approximately 1,600-acres; the 'Bowie' site is approximately 1,120-acres.
Flood Zones: Both project sites are in Flood Zones X and to a lesser degree, Flood Zones A

Zoning/Use of Surrounding Properties ('Oxbow' Solar Power Plant Site)

Direction	Zoning	Use(s)
North	RU-4	agricultural
South	RU-4	agricultural
East	RU-4	agricultural
West	RU-4	agricultural

Zoning/Use of Surrounding Properties ('Bowie' Solar Power Plant Site)

Direction	Zoning	Use
North	RU-4	vacant
South	RU-4	vacant
East	RU-4	vacant
West	RU-4	vacant

II. Parcel Histories:

There are no records of history for any of the subject parcels on both sites.



Fig 1; Northeast view to 'Oxbow' site east of Kansas Settlement (Dos Cabezas mountains in background)

III. Nature of the Special Use Requests /General Description of the Projects

In recent years, expanded production of energy from renewable sources has become an important public policy goal. Based on these considerations, expansion of renewable energy production is being actively promoted in order to promote development of local, clean, renewable energy sources to help reduce energy costs and further energy independence. In September, 2009, as a result of the heightened interest in renewable energy production nationwide and in Arizona, the Cochise County Board of Supervisors adopted a Solar Energy Ordinance in an effort to acknowledge that solar energy development will likely play a significant land use role over time due to our abundant solar energy resources and vast open land availability. These requests for the construction and operation of two Solar Energy Power Plants are timely in that they come on the heels of adopting a County-wide Solar Energy Ordinance.

Per Article 2 of the Zoning Regulations, *Solar Energy Power Plants* are defined as follows:

A commercial-scale Solar Energy System, the purpose of which is to supply solar power generated electricity to off-site consumers; accessory structures may include buildings, substations and associated electrical infrastructure. The term does not include stand-alone, small-scale Solar Energy Systems for on-site residential or agricultural use.

The locations of the proposed Solar Energy Power Plants from Sustainability Development, LLC, a Phoenix-based firm, are as follows:

1. The 'Oxbow' Solar Energy Power Plant would be located in the Kansas Settlement area, approximately four miles east of Kansas Settlement Rd. The project would encompass five contiguous RU-4 zoning districts totaling approximately 1,600-acres; and
2. The 'Bowie' Solar Energy Power Plant would be located approximately two miles east of S. Apache Pass Rd. and approximately seven miles southeast of the Bowie townsite. The Bowie Solar Energy Project would encompass six contiguous parcels totaling approximately 1,120-acres.

If one or both Solar Energy Power Plant projects are approved, it/they would represent the first such projects in Cochise County. Each Concentrating Solar Power (CSP) plant would be located on privately owned sites that include lease purchase agreements. Upon build out, each Solar Energy Power Plant would be capable of generating approximately 200 net megawatts (MW) of power. Unlike typical photovoltaic (PV) technology which uses gathered sunlight to cause chemical reactions in PV cells to generate electricity, CSP devices use the sun's heat to provide thermal energy to power a connected turbine or engine to produce electricity. The proposed projects would use SunCatcher technology. SunCatchers incorporate a 25-kilowatt-electrical (kWe) solar dish Stirling engine system which consists of a radial solar concentrator dish structure that supports an array of curved glass mirror facets designed to track the sun and concentrate solar energy onto a Power Conversion Unit (PCU). The PCU is coupled with, and powered by, a Stirling engine that generates power. The PCU converts the focused solar thermal energy into 'grid-quality' electricity. The conversion process in the PCU involves a closed-cycle, high-efficiency four-cylinder, reciprocating Stirling engine utilizing a recycled internal working fluid. The Stirling engine operates with heat input from the sun that is focused by the dish assembly mirrors onto the PCU's solar receiver tubes which contain hydrogen gas. The PCU solar receiver is an external heat exchanger that absorbs the incoming solar thermal energy. This heats and pressurizes the gas in the heat exchanger tubing, and this gas in turn powers the Stirling engine. A generator connected to the Stirling engine produces an electrical current. Waste heat is transferred to the ambient air via a radiator system similar to those used in automobiles. The gas is cooled by a radiator system and is continually recycled within the engine during the power cycle. The conversion process does not consume water, as is required by most thermal-powered generating systems. The only water necessary for the entire operation is the amount needed to wash the glass mirrors. However, the integral factor in the SunCatcher's high efficiency rate is the device's parabolic radial dish design. It is programmed in such a way that it automatically tracks the sun throughout the day. This feature provides increased efficiencies over solar arrays that are flat planes facing a fixed direction, typically toward the southern sky. At sunrise, each SunCatcher automatically rotates to face the sun, and with automation software, tracks, collects, and concentrates the sun's energy onto a single point on the PCU. Per the Applicant, primary operation monitoring will be conducted remotely and off-site via computer generated operating data and remote cameras to provide a constant check of all operating units.

Each project would be built out in four Phases: construction of Phase I would begin in 2010 with anticipated completion of Phase IV in 2012 or 2013. At build-out of Phase IV each 200MW plant would require approximately 66,800 dishes (approximately 6,680 dishes per 20MW). According to the Applicant, the time required to assemble and install each unit would require about 8 man-hours, and the typical practice is to construct a staging area on each site to facilitate the off-loading of building materials; the area required for 20 MW is about 4.5 acres/MW. Security might be employed, so a small residence would be constructed to accommodate personnel.



Fig. 2; SunCatcher' technology proposed for both sites

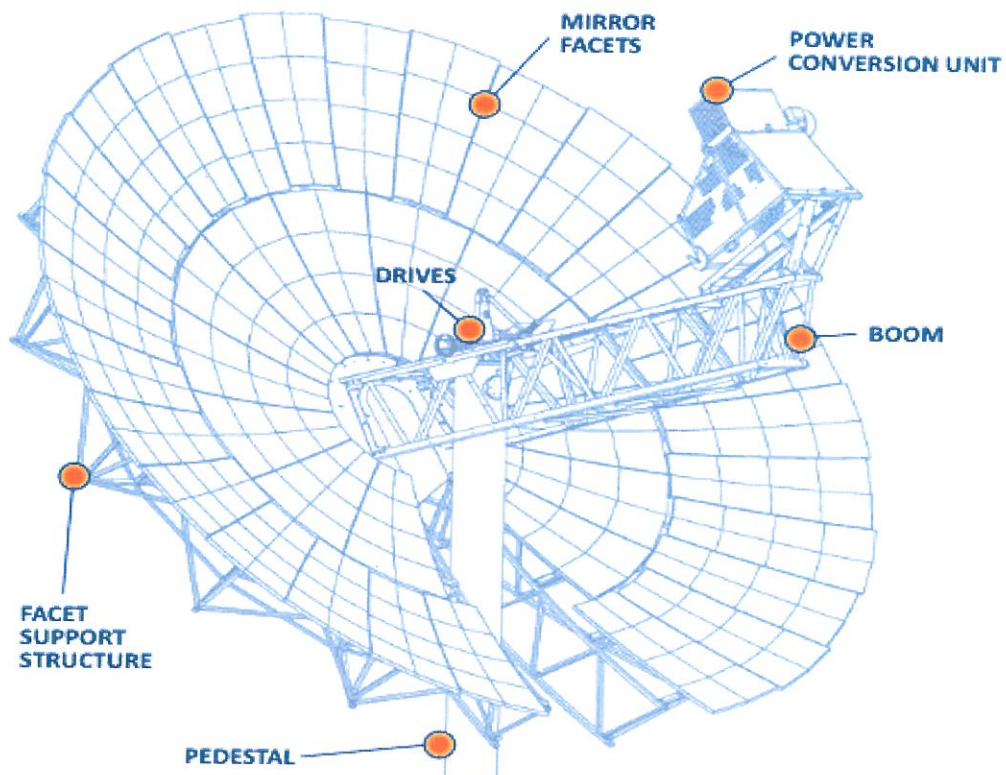


Fig. 3; 'SunCatcher' technology proposed for both sites

IV. Analysis of Impacts

Compliance with Special Use Factors (Section 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of ten (10) criteria or factors to evaluate Special Use applications. Nine (9) criteria are applicable to this request and are considered factors in the decision whether or not to approve these Special Use Permit requests and determine what conditions may be needed to mitigate off-site impacts. The proposed use would comply with five (5) of the applicable factors, would *marginally* comply with one (1) criterion; and, with conditions, would comply with two (2) additional criteria. The proposed use does not comply with one (1) criterion.

A. Compliance with Duly Adopted Plans: Complies

The subject properties are not located within an area plan, nor are they subject to the policies of the Sierra Vista Sub-watershed Water Conservation Overlay Zone. However, all unincorporated areas in Cochise County are subject to the policies of the Comprehensive Plan. The Comprehensive Plan allows a wide range of uses within a given zoning district because adopted site development standards act to reduce the impacts of more intense uses without altering the intent and character of a particular zoning district. All parcels on both sites are designated Rural by the Comprehensive Plan; this land use designation describes outlying rural areas between cities and unincorporated communities that are characterized by a low rate of growth, unimproved roads, low density, large lot rural residential development and agricultural production. Both sites and surrounding areas are in agricultural production and interspersed with large tracts of undeveloped lands.

B. Compliance with the Zoning District Purpose Section: Marginally Complies

Per Article 6 of the Zoning Regulations, the purposes of the Rural (RU) districts are:

- *To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living;*
- *To preserve the agricultural character of those portions of the County which are capable of resource production;*
- *To provide space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the County situated outside of existing communities;*
- *To provide recreational support services that are compatible with rural living;*
- *To protect the quality of the natural environment as it relates to safeguarding the health, safety and welfare of the people in Cochise County; and*
- *To allow consideration of some more intense non-residential uses as special uses that are inappropriate in more densely populated urban/ suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site and in conformance with Section 601.06. (To protect the quality of the natural environment as it relates to safeguarding the health, safety and welfare of the people in Cochise County.)*

The project sites are sparsely populated, with the surrounding RU-4 zoning reflective of this characteristic. The Rural zoning districts permit some commercial uses as principal uses and a host of others via the Special Use Permit process, provided that the use is in harmony with the surrounding character, off-site impacts can be effectively mitigated, and the activities provide a service to area residents. The 'Oxbow' site near Kansas Settlement is an area characterized by significant agricultural production, while the 'Bowie' site is creosote scrub. Although the proposed uses do not neatly comply with the purposes listed above, and are in stark contrast with existing uses, Solar Energy Power Plants are typically sited in very rural areas by virtue of open land availability and scant population.

C. Development Along Major Streets: Complies

Access to the 'Oxbow' site near Kansas Settlement is north or south on Kansas Settlement Rd. a County-maintained collector, then eastward for approximately four miles on E. Baker Rd. and E. Kimzey Rd., both unimproved local roads which serve the extensive agricultural uses in this area. Access to the 'Bowie' site is north or south via S. Apache Pass Rd., a County-maintained collector, then eastward on an unnamed and unimproved 'ranch' road. Although construction traffic would be noticeable during construction, post-construction traffic would return to a similar current pattern. Neither project would increase the number of access points on major thoroughfares, arterial streets, or County collectors and would not create unsafe traffic conflicts and hazardous traffic congestion.

D. Traffic Circulation Factors: Complies

The Applicant provided Traffic Statements for both sites, as the proposed development of multi-phased solar power generation projects is expected to add significant traffic during the construction phases, but then return to minimal traffic post build out and during routine operation.

'Oxbow' Power Plant:

The 'Oxbow' property is being served by S. Kansas Settlement Road, an improved, two-lane County collector approximately four miles to the west. Two unimproved secondary roads, Kimzey Rd. and Baker Rd. running east/west to the west frontage of the site and separated by approximately one mile. Current traffic load in this area is comprised of light- and heavy-duty trucks and farm machinery. The Applicant estimates that trip traffic on S. Kansas Settlement Road currently averages 450 vehicle trips per days and the unimproved secondary roads are estimated to carry fewer than 50 vehicle trips per day. The following traffic scenario is estimated and is based upon similar project development.

Per the Applicant, truck traffic delivering 20MW or approximately 6,680 SunCatcher units to each site would require:

- Mirrors - 318 trucks
- Chassis - 186 trucks
- Bi-axial drive - 70 trucks
- Electronics - 45 trucks
- Heat Drive - 102 trucks

The primary traffic to access the subject site will be for mirror washing and maintenance that requires four to eight persons on a routine basis, five days per week for a fully operational 200 MW system, as well as one to three persons delivering cleaning supplies and replacement parts. The average trip count per week day may average 10 to 12 vehicles on weekdays and negligible weekend trips for very rare emergency needs such as broken tracking systems or monitoring gear.

'Bowie' Power Plant:

The Bowie property is being served by one secondary county rural paved road, Apache Pass Road (running northwest to southeast) lying approximately three miles west of the site and a gravel and dirt rural secondary road running east/west to the north frontage of the site. Both secondaries serve serve minimal farming uses today. The existing condition of the road surfaces is average and in good repair, and all roads currently provide year round service with minimum maintenance.

D. Traffic Circulation Factors (cont.):

The current estimated traffic load is comprised of auto, truck and farm machinery on all of the named roads, with the maximum trip traffic occurring on Apache Pass Road averaging 350 vehicle trips per day, divided evenly between auto and truck uses. The unpaved secondaries are estimated to carry fewer than 50 vehicle trips per day also divided evenly between auto and truck uses. The current property has a single residence and a several agricultural-type outbuildings which would be razed. The existing road surfaces are not expected to require substantial repair and maintenance due to the intended construction and operation maintenance; however, if one or both projects are approved, Condition 4 requires the Applicant to return all roads to pre-construction or better condition.

E. Adequate Services and Infrastructure: Does Not Comply

The Applicant does not have a formal power purchase agreement with any utility at this time, although discussions have been initiated with the Sulphur Springs Valley Electric Cooperative (SSVEC) about improving transmission, distribution and obtaining power purchasing agreements. Adequate infrastructure exists to distribute power for Phase I for each project, and the Applicant expects to connect to local substations in the near term for Phase I. However, transmission and distribution infrastructure is inadequate at this time to handle and distribute build out power generating capacity of 200MW on each site. Eventually, significant regional transmission and transmission improvements would be necessary to accommodate these projects. The Applicant would have to assist in developing the additional infrastructure required for market distribution.

F. Site Development Standards: Complies

Setbacks: Complies

The minimum setback for all Solar Energy Power Plant structures and components in the RU districts is 40-feet and 20-feet from road travel ways. The submitted site plans for each proposed project indicate that minimum setbacks would be 50-feet from property lines, so this site development standard would be met.

Site Coverage: Complies

Maximum site coverage in the Rural zoning districts is 25%; however, per the County's recently adopted Solar Energy Ordinance, Solar Energy Power Plants are not required to comply with maximum site coverage requirements.

Access: Complies

Access to the 'Oxbow' near Kansas Settlement is via unimproved local roads that serve a number of agricultural uses, The 'Bowie' site also takes access via an unimproved local road. Condition 4 would require the Applicant to return all access roads to pre-construction or better condition.

Landscaping: Not Applicable

The subject parcels for both sites are located within a Category D Growth Areas, thus are not subject to landscaping requirements, per Section 1806.02A.

Outdoor Storage: Not Applicable

There would be no outdoor storage for either project.

F. Site Development Standards (cont.):

Screening: Not Applicable

Screening is not required in Category D Growth Areas.

Parking: Does Not Comply

Per Section 1804.04 of the Zoning Regulations, the Applicant is required to construct at least one 9'x19' unimproved parking space for each unmanned facility. If the Applicant constructs a caretaker's residence, that structure would require at least one dedicated space as well. The submitted site plans for each project do not show any delineated spaces; Condition 1 would require submittal of a revised site plan meeting all on-site parking requirements.



Fig 2; Westward view to Bowie site (approximately 7 miles southeast of Bowie)

Signs: Complies

Each project site would have one on-site identification sign. If these projects are approved, each sign design would need to be approved as part of the commercial permitting phase for each site.

Floodplain: May not comply without mitigation.

Portions of the 'Oxbow' project site near Kansas Settlement are within 100-year flood areas. If approved for Special Use Permits, the Highway and Floodplain Department would carefully review the projects as part of the commercial permit process in order to determine if floodplain mitigation is necessary.

G. Hazardous Materials: Not Applicable

The submitted Special Use applications indicate that no hazardous materials would be stored or used on either project site.

H. Off-site Impacts: Complies with Conditions 2, 3 and 6

Land uses surrounding the 'Oxbow' project site near Kansas Settlement consists of active agricultural activities, while the 'Bowie' project site is vacant and overwhelmingly creosote scrub. This portion of the memorandum contains a discussion of the potential issues that staff has identified to date. Discovery is not yet complete, and other parties have not had an opportunity to identify their concerns. For example, as the lead agency, the Arizona Corporation Commission (ACC) has considerable oversight in the transmission, distribution and regulatory aspects of power plant projects. In addition, the Arizona Department of Water Resources (ADEQ) might weigh-in in the future regarding water use. That said, water use, especially in arid regions, is the most concerning element of any utility-scale project. However, the proposed SunCatcher units are most conscious of water resources of any available utility-scale CSP technology. Water use is addressed in more detail in Section J, below.

Transient dust mitigation, especially during construction, is a serious concern that would be mitigated if approved. The Applicant would employ water trucks to minimize dust intrusion during construction. Post construction, it is imperative for solar energy developers to maintain and regularly clean arrays in order to maximize efficiency and extend life cycles; however, the Applicant has not addressed what measures would be taken to minimize transient dust upon completion of any phase of the projects. Condition 3 would require the Applicant to install pea gravel or an equivalent on all internal driveways, roads and parking areas to reduce transient dust.

I. Public Input: Complies

The Applicants mailed citizen notification letters to neighboring property owners within 1,500 feet of the subject parcels. The Applicant also hosted two public meetings – one at the Sunsites Senior Center in early October and a second at the Bowie High School on 27 October. County staff mailed notices to neighboring property owners within one (1) mile of the subject parcels, published a legal ad in the *San Pedro Valley News-Sun*, as well as posted legal notices on each site. To date, the Department has received one (1) letter in of support and four (4) letters in opposition for the 'Oxbow' project. The Department has received one (1) letter of support both projects. Respondents noted concern over water use and devalued properties.

J. Water Conservation: Complies with Condition 6

Some utility-scale solar energy technologies require significant water resources for cooling, so water use is a particularly important component of any project, especially in arid environments. The southwest has the highest solar energy potential in the country, yet has the fewest water resources. Certainly, it is not in best interest to approve utility-scale solar energy developments that use significant water resources in areas with sensitive water resources. Neither project site lies within the Sierra Vista Sub-Watershed Overlay Zone. Per the Applicant, the proposed SunCatcher /Stirling engine technology to be employed on both sites does not require water for cooling, unlike other solar thermal technologies like parabolic trough systems, so it represents an excellent option for desert installations (Condition 7 would restrict the Applicant to this technology to ensure the highest degree of water conservation).

However, the systems still require water for mirror cleaning in order to maintain high efficiency. Water would be drawn from onsite groundwater wells and no wastewater would be generated. Per the Applicant, five gallons of water from low pressure spray devices would be employed to clean each SunCatcher unit. The Applicant suggests that if each dish is washed with five gallons of water four times per year (20 gallons per year), each site would require about 135,000 gallons annually or .4 acre-feet per year. *However, 6,680 units per 20MW calculates to 66,800 units per site (for 200MW) x 5 gallons x 4 times per year = 1,336,000 gallons per year or 4.1 acre-feet per year.*

J. Water Conservation (cont.):

To put this number into perspective, the 1,000MW Bowie Power Station would use 5,000 acre-feet per year for cooling, so water use is comparatively low, especially in light of the fact that no water would be used for cooling. Also, on average, alfalfa uses 5.5 acre-feet per year *per acre* of cropland.

As part of a dust suppression protocol, the Applicant has indicated that water trucks would be employed to regularly wet each site as necessary during construction. However, the Applicant has not offered an estimate on water use for this facet of the projects. The amount of water used solely for dust suppression would likely be significant.

Table 2: Comparison of consumptive water use of various power plant technologies using various cooling methods

Technology	Cooling	Gallons MWhr	Perform. Penalty*	Cost Penalty**	Reference
Coal / Nuclear	Once-Through	23,000 – 27,000***			1, 3
	Recirculating	400 - 750			1, 3
	Air Cooling	50 - 65			1, 3
Natural Gas	Recirculating	200			4
Power Tower	Recirculating	500 - 750			(estm.)
	Combination Hybrid Parallel	90-250	1-3%	5%	10, 11
	Air Cooling	90	1.3%		9
Parabolic Trough	Recirculating	800			5
	Combination Hybrid Parallel	100-450	1-4%	8%	7, Appx. A
	Air Cooling	78	4.5-5%	2-9%	6, 9
Dish / Engine	Mirror Washing	20			5
Fresnel	Recirculating	1000			(estm.)

For using a less water intensive cooling technique:

* = Annual energy output loss is relative to the most efficient cooling technique.

** = Added cost to produce the electricity.

V. Summary and Conclusion:

Utility-scale solar energy projects are encouraged for a host of reasons, some of which were mentioned at the beginning of this memorandum. Arizona is blessed with abundant solar energy resources and vast land availability, and the Arizona Corporation Commission's Renewable Energy Standard (REST) goal of producing 15% of Arizona's power production using renewable energy by 2025 has helped to spark unprecedented interest in utility-scale projects. However, in the rush toward energy independence, caution should be exercised to ensure a measure of local oversight so that Solar Energy Power Plant projects do not compromise the quality of life for residents and endanger wildlife and water resources.

V. Summary and Conclusion (cont.):

Sustainability Development, LLC, has requested two Special Use Permits for the construction and operation of two Solar Energy Power Plants in the northeast quadrant of the County. The 1,600-acre 'Oxbow' Solar Energy Project would be located east of Kansas Settlement off Kansas Settlement Rd. whereas the 1,120-acre 'Bowie' Solar Energy Project would be located east of S. Apache Pass Rd. approximately seven miles southeast of the Bowie townsite. Each power plant would be on privately owned lands with lease purchase agreements and would have a power generating capacity at build out of approximately 200 megawatts (MW) of power. The proposed projects would utilize SunCatchers, which are 25-kilowatt-electrical (kWe) solar dishes with Stirling engine systems. If approved, construction of the Solar Energy Power Plants, from site preparation and grading to commercial operation, is expected to take place from 2010 to through 2012 or 2013. These Special Use applications for Solar Energy Power Plants in the Kansas Settlement and Bowie areas are the first for Cochise County and have generated some concern over water use from several area residents and to a lesser degree, construction and traffic impacts during construction. Despite the lack of detailed water budgets and discrepancy between the Applicant's and staff's per annum water use estimates, water use would be comparatively low because of the proposed SunCatcher technology which is designed with water conservation in mind.

Factors in Favor:

1. Water use would be comparatively less than other Concentrating Solar Power (CSP) technologies and many water-intensive agricultural uses found in the area;
2. These utility-scale projects would offer a clean and renewable source of energy that would enable Cochise County to participate in achieving the ACC mandate for 15% renewable energy production by 2025;
3. Cochise County enjoys abundant solar resources and offers large tracts of suitable land for this type of development;
4. The projects can meet the Solar Energy Power Plant site development standards for the Rural zoning districts;
5. Both sites are ideal from an industry perspective in that they are large, very rural and flat and offer unobstructed solar resources;
6. Post construction traffic would be minimal;
7. Both projects would offer employment opportunities; and
8. To date, the Department has received one (1) letter of support for the 'Oxbow' project and one (1) letter of support for both projects.

Factors Against:

1. Construction activities would generate significant transient dust unless mitigated;
2. At this time, the Applicant does not have power purchase agreements in place;
3. Transmission and distribution infrastructure in the County would need major upgrades in order to distribute power to markets;
4. The Special Use Applications and Site Plans are lacking in overall detail for projects of this scope and magnitude; and

Factors Against (cont.):

5. To date, the Department has received four (4) letters in opposition to the 'Oxbow' project near Kansas Settlement. Respondents are concerned about water use and devalued properties.

VII. Staff Recommendation:

Based on the factors in favor of approval, Staff recommends **conditional approval** for both Special Use Permit requests for two Solar Energy Power Plants in the Kansas Settlement area and the Bowie area, with the following conditions:

1. Prior to permit issuance, the Applicant shall submit site plans for both projects that shows all required elements, including, but not limited to, setbacks and minimum parking requirements;
2. Prior to permit issuance, the Applicant shall submit a formal and written protocol for dust mitigation during the construction phases and post construction;
3. The Applicant shall install pea gravel or an equivalent on all internal roads, maintenance lanes, driveways and parking areas to mitigate transient dust;
4. The Applicant shall maintain all access roadways in their current or better conditions during construction and post construction;
5. The Applicants shall provide the County signed Acceptance of Conditions and a Waiver of Claims forms for each project arising from ARS Section 12-1134 signed by the property owner of the subject properties within thirty (30) days of approval of the Special Use Permits. Prior to permit issuance, the Applicants shall have demonstrated substantial construction progress for Phase I for each project and submit and obtain building/use permits within three (3) years of approval, including a completed joint permit application. If substantial construction progress for Phase I for either project has not occurred within three (3) years from the date of approval, the Special Use Permit(s) shall be considered for revocation at a public hearing before the Planning and Zoning Commission;
6. The building/use permit(s) shall include a site plan in conformance with this approval and meeting all site development standards (except those specifically waived or modified by the Planning Commission as part of this approval), the completed Special Use Permit questionnaires, and appropriate fees. A permit must be issued within 18 months of approval, otherwise the approval may be deemed void upon 30-day notification to the Applicant;
7. Any changes to the approved Special Uses (including changes to proposed solar energy power plant technologies (each Solar Energy Power Plant shall employ 'SolarCatcher' technology) shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission; and
8. It is the Applicant's responsibility to obtain any additional permits or meet additional conditions, if any, that may be applicable to the proposed activities pursuant to other federal, state, or local laws or regulations.

If approved, Staff recommends that the Commission approve the following Site Development Standard Modification for both project sites:

1. Section 1804.06(3) which requires two-way driveways to be a minimum of 24-feet in width.

VIII. Sample Motion:

Mr. Chair, I move to approve Dockets SU-09-22 and 23 based on the Factors in Favor of Approval as Findings of Fact, with the recommended conditions listed in the staff memorandum.

IX. Attachments:

- A. Special Use Permit Applications
- B. Site Plans
- C. Staff Correspondences with Applicant
- D. Comments from County Staff and Other Agencies
- E. Citizen Review Letter and Public Meeting Reports
- F. Public Comments
- G. Sustainability Development, LLC Informational Package



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchar, Director

54-09-22

COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 305-43-00408, 305-43-009B5, 305-43-0109,
305-43-012A4, 305-43-012B3

APPLICANT: Sustainability Development LLC

MAILING ADDRESS: 3508 N. 7th STREET, PHOENIX, AZ 85014

CONTACT TELEPHONE NUMBER: 602-315-8368

PROPERTY OWNER (IF OTHER THAN APPLICANT): Clyde Barney et al

ADDRESS: _____

DATE SUBMITTED: October 23, 2009

Special Use Permit Public Hearing Fee (if applicable)

Building/Use Permit Fee

Total paid

\$ 300
\$ -
\$ 300

X 3000 CASH
10/27/2009
K Dennis

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Sierra Vista Sub-Watershed Water Conservation Overlay Zone Permit Checklist
7. Traffic Impact Analysis (TIA): Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.
8. Material Safety Data Sheets
9. Extremely Hazardous Materials Tier Two Reports
10. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. Attach separate pages if the lines provided are not adequate for your response. Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? None, open undeveloped land
2. What is the proposed use or improvement? 200 MW solar power electric generation facility
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? The construction and operation of concentrating solar power parabolic collectors. Operation monitoring will be remote and maintenance will be mostly mirror cleaning by 4 to eight persons ongoing.

4. Describe all intermediate and final products/services that will be produced/offered/sold.

electrical power

5. What materials will be used to construct the building(s)? (Note: if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal) solar collectors are comprised of glass mirrors, metal mounting frames, metal central pipe tower, underground electrical wiring

6. Will the project be constructed/completed within one year or phased? One Year

Phased ☒ if phased, describe the phases and depict on the site plan.

phase I: 10 to 20 MW; Phase II: 10 to 20 MW;

phase III: 10 to 20 MW; phase IV: 140 to 170 MW

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from 6 AM to 6 PM) Average mean day.

B. Number of employees: Initially: 8 Future: 20
Number per shift Seasonal changes approx. same year around

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site. After completion 4 to 8 vehicles daily

(2) Total trucks (e.g., by type, number of wheels, or weight) (during construction) 10 vehicle trips daily.

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?
It is assumed that most traffic will enter and leave by way of Baker Road at the SW corner

(4) If more than one direction, estimate the percentage that travel in each direction

N/A

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest?
traffic will be approximately the same year around.

- D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan. *for mirror cleaning only when entire facility is completed in 2020.*
Estimated total gallons of water used: per day 500 gals per year 200,000 gals
- E. Will you use a septic system? Yes ☒ No ☐ If yes, is the septic tank system existing? Yes ☐ No ☒
Show the septic tank, leach field and 100% expansion area on the site plan. *Unknown at this time*
- F. Does your parcel have permanent legal access*? Yes ☒ No ☐
D. If no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one):
☐ private road or easement**
☒ County-maintained road
☐ State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.
Attached NA

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water		<i>well service</i>
Sewer/Septic		<i>septic</i>
Electricity	<i>on site power</i>	
Natural Gas		<i>none</i>
Telephone		<i>TBD</i>
Fire Protection		<i>TBD</i>

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

all maintenance will be conducted outdoors

2. Will outdoor storage of equipment, materials or products be needed? Yes ☐ No ☒ if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. _____
3. Will any noise be produced that can be heard on neighboring properties? Yes ☐ No ☒ if yes, describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? _____
4. Will any vibrations be produced that can be felt on neighboring properties? Yes ☐ No ☒ if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____
5. Will odors be created? Yes ☐ No ☒ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____
6. Will any activities attract pests, such as flies? Yes ☐ No ☒ If yes, what measures will be taken to prevent a nuisance on neighboring properties? _____
7. Will outdoor lighting be used? Yes ☐ No ☒ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.
8. Do signs presently exist on the property? Yes ☐ No ☒ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.
- A. _____ B. _____ C. _____ D. _____
9. Will any new signs be erected on site? Yes ☒ No ☐ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes ___ No ☒

If yes, will storm water be directed into the public right-of-way? Yes ___ No ___

Will washes be improved with culverts, bank protection, crossings or other means?

Yes ☒ No ___ *As necessary to prevent erosion*

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

crushed aggregate

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.) *site visits are for occasional cleaning and replacement maintenance. No visitor parking is req'd.*

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes ___ No ☒ If yes, show details on the site plan. Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

The only on site water usage will be for mirror cleaning only. Water will drip from mirror surfaces to existing grade for reabsorption.

2. How many acres will be cleared? none, equipment is pole mtd.
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.)

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No _____ Yes _____ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature _____

Date signed 10-23-09



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

Hazardous Materials Attachment

Firm's current name: _____

Current location: _____

Fire district: _____

Nearest main intersection with street names: _____

Distance: _____ miles Direction: _____

Firm's previous location(s)

Previous name(s) of firm/operation: _____

Previous location(s): _____ Date(s): _____

Previous compliance/accident history: _____

Date(s): _____

1. List hazardous and polluting materials, (including raw materials, products, wastes, emissions, discharges, etc.) that will be brought to, stored, manufactured, produced, generated, processed or otherwise used at or released or transferred from the site and the quantities you will store. Material Safety Data Sheets (MSDS) are required for all such substances.

Material _____ Quantity _____

Material _____ Quantity _____

Material _____ Quantity _____

Material _____ Quantity _____

2. How will substances be stored? (For example, automotive batteries require impervious flooring, flammables require NFPA 30 cabinets, gas cylinders need restraints, and many chemicals have specific requirements, such as secondary containment areas for liquids. These requirements are found in the MSDS or can be requested from ADEQ.)

3. What methods will ensure proper containment during use or ventilation? (Waste and by-products as well as substances have specific needs to control damage from those products.)

N/A

4. Is any welding being performed and where? (Flammables must be kept away from sources of ignition such as electricity, arcs, sparks, hot metal or open flame. Gas cylinders must be secured.)

N/A

5. How will waste/ excess substances be disposed of? (Commercial operators may not use the County transfer stations' hazardous waste program. They handle only household materials.)

N/A

6. What evacuation, treatment and notification will be made if there are any releases to groundwater or air? (Notification may be required to the Sheriff's Department, adjacent neighborhoods, State Fire Marshal, local fire district, ADEQ, and/ or EPA.)

N/A

Signature

Date

10-27-09

COCHISE COUNTY PLANNING DEPARTMENT SIGN PERMIT

(To be completed with the Joint Permit Application,
Contractors License Form, Lighting Worksheet (if applicable))

Part A: Attach a drawing of the proposed sign showing copy on both sides of the sign and dimensions. If illuminated, show location of lighting on the sign and attach drawings of the lights.

Show the sign location on the site plan submitted with the Joint Permit Application.

Part B: Description of the proposed sign: complete the following information.

Check Classification of Sign

Accessory Sign (on same site as sign)

- ☒ Name plate
- ☐ Home occupation
- ☐ Identification
- ☐ Real Estate
- ☐ Subdivision/Mobile Home Park
- ☐ Developer
- ☐ Bulletin
- ☐ Utility
- ☐ Contractor
- ☐ On-site Advertising
- ☐ Private Traffic Control
- ☐ Other

Non-accessory Sign (not on same site as sign)

- ☐ Directional
- ☐ Off-site Advertising
- ☐ Billboard
- ☐ Memorial

Sign Structure

- ☒ Free standing
- ☐ Projecting
- ☐ Wall
- ☐ Roof
- ☐ Window Graphic

Illuminated

- ☐ Yes (submit electrical plans)
- ☒ No

Height

7'

Setback to the Street

10'

Number of Faces

1

Area (square feet)

13.5 sq

Clearance (Distance between the ground and the bottom of the sign)

4'-0"

Contractor's Name

TO BE DETERMINED

Address

WILCOX, AZ

Parcel Number 305-43-004D 8, 305
305-43-009 B, 305-43-010 9, 305-43-012 A 4

Phone 602.315.8368 305-43-012 B 3

Fees

- Billboards (300 square feet or more): \$100
- Less than 15 square feet: \$30
- All other sign permits: \$60

(Note: No fee if processed with a joint building permit.)

Amount Fee Paid \$ 30.00

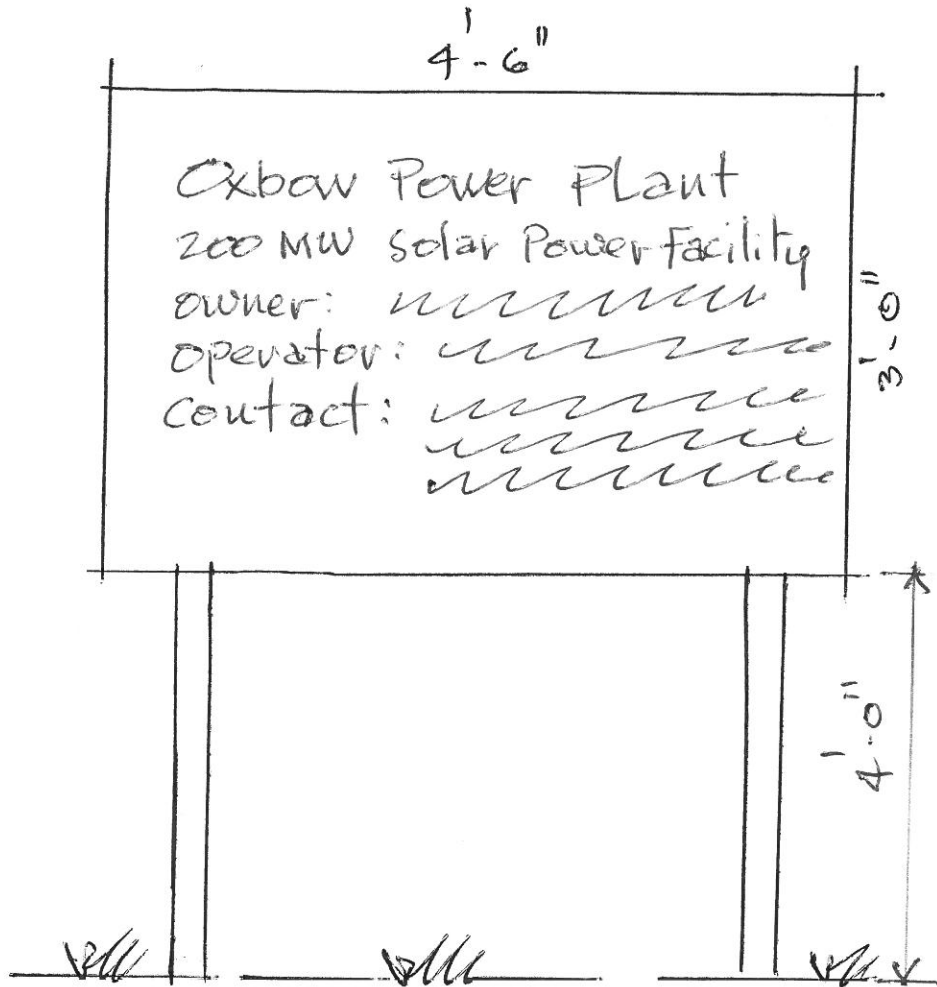
X Applicant Signature:

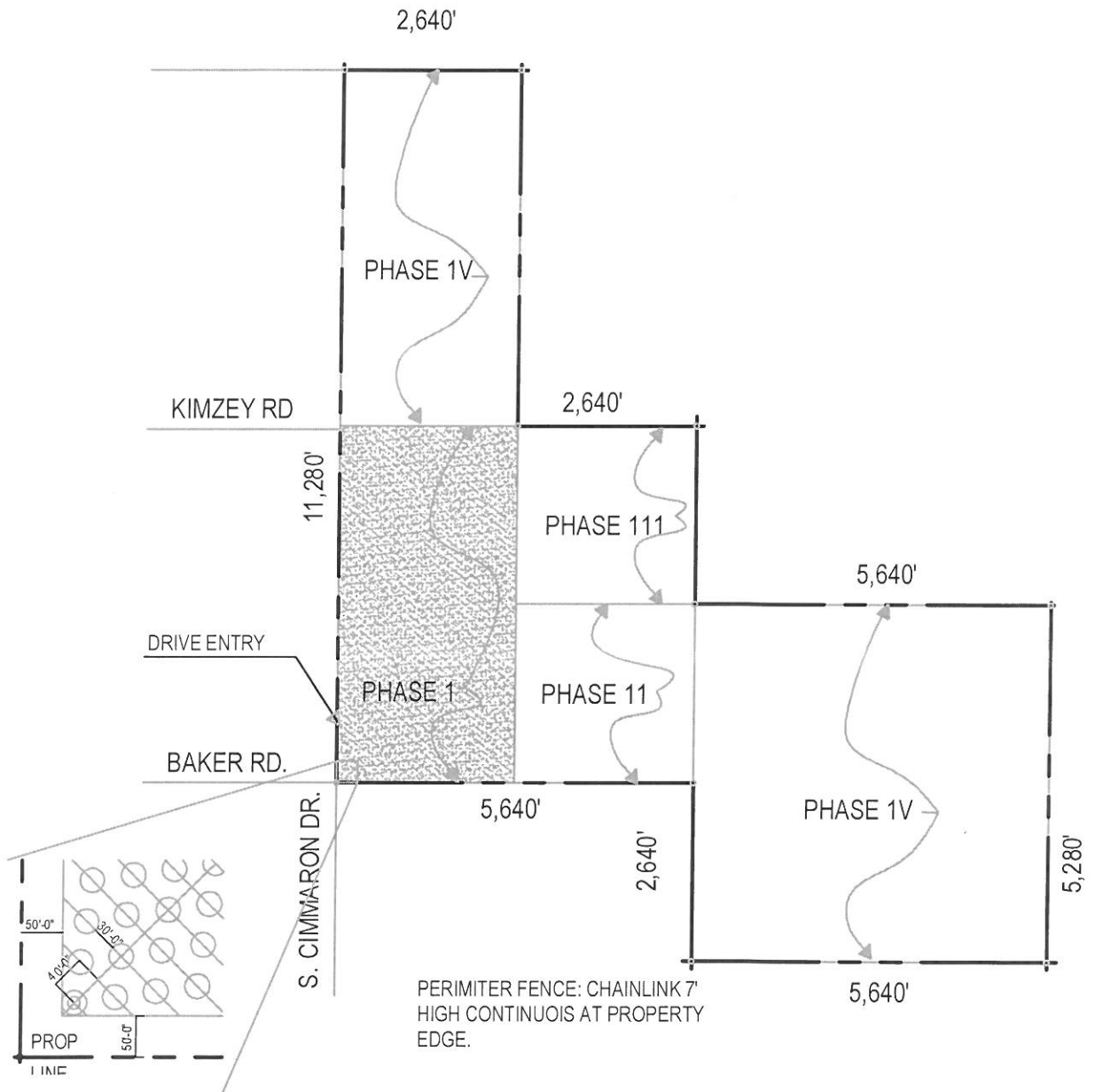
Date: 10.23.09

Staff Use: Zoning District

Sign allowed in Zoning District: Yes

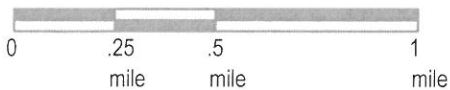
No





ENLARGED DETAIL OF
SOLAR UNITS
15' or 30' IN DIAMETER
SPACED 30' APART SIDE TO
SIDE, AND 40' APART
CENTER TO CENTER OF
ISLE.

SITE PLAN



ZONING: RU FU 4 CATAGORY D
SITE AREA 1,587 ACRES
PARCEL NO. 305-43-004D8, 305-43-009B5,
305-43-0109, 305-43-12A4, 305-43-012B3

OXBOW POWER PLANT

OWNER: SUSTAINABILITY DEVELOPMENT, LLC

WILCOX, , ARIZONA



Willcox (Oxbow) Solar Power Site Traffic Summary

The following summary will serve to indicate the present and proposed vehicular traffic loads for the subject site:

Willcox (Oxbow) Site:

The Willcox (Oxbow) property comprizing approximately 1,587 acres is a nearly level site with existing desert vegetation and it is not currrently being farmed and there are no existing structures on the property. The property is being served by S. Kansas Settlement Road a paved secondary, two lane county rural road, (running north/south) lying some 11 miles to the west, with drainage swales on both sides and two all weather gravel and dirt rural secondary roads, Kimzey Raod and Baker Road running east/west to the west frontage of the site and separated by approximately 1 mile. Both secondaries serve minimal farming uses today. The current conditions of the road surfaces are average and good repair and all roads currently service year round with minimum maintainence. The current estimated traffic load is comprised of auto, truck and farm machinery on all of the roads named with the maximum trip traffic occuring on S. Kansas Settlement Road averaging 450 vehicle trips per day divided evenly between auto and truck uses. The unpaved secondaries are estimated to carry fewer than 50 vehicle trips per day also divided evenly between auto and truck uses.

The proposed development of multi-phased solar power generation project is expected to add significant traffic during the construction phase but then return to minimal traffic during the routine operation of the solar power generation plant, especially in the early phases over the next decade. The existing road surfaces are not expected to require substantial repair and maintenance due to the intended construction and operation maintenance.

Construction Phase Traffic:

The following traffic scenario is estimated based upon similar project development by the proposed supplier of the solar tracking parabolic dish equipment and are therefore indicative of probable useage.

With respect to truck traffic delivering 20MW, 6,680 units, to the site, it will require:

Mirrors = 318 trucks
Chassis = 186 trucks
Bi-axial drive = 70 trucks
Electronics = 45 trucks
Heat Drive = 102 trucks

Each will be sequenced so there is sufficient material on site so as to not cause delays in the assembly process. Certainly there will be additional truck traffic required to bring in the balance of plant materials, such as collector box, transformers, wire, etc. The normal practice is to build a staging area on site to facilitate the off-loading of these materials. The area required for 20 MW is about 4.5 acres/MW. The general rule is that it will take one person one month to wash the mirror of 1,000 units (3MW). Cleaning is site dependent, relative to the dust in the area. It will require about 5 gallons of DI water from a low pressure spray device to clean the dishes. If each dish is washed 4 times/year that will require about 135,000 gallons annually which is approximately the amount of water that one residence uses annually. It may be determined that there needs to be a full time person at the site for security and general oversight of the units for the "just in case." So there may be a small building to house the cleaning and security personnel during the day time and perhaps a single guard at night.

Page Two

With respect to time required to install 6,680 units, it will certainly depend on the workforce employed. Assuming that the project were not developed in phases then with respect to each Infinia solar dish unit, it will require about 8 man-hours to assemble each one (once they get the process down, and the manufacturer will provide training to move this forward). If, for example, the owner would like to complete the build in 120 days, 65 men in two-man teams, along with a couple additional personnel to move material and work lifting devices to put the units on their foundation should be able to accomplish this. There would be supervision as well, perhaps 3 to 4 additional supervisory staff. In fact the owner is proposing to develop approximately 20 MW initial phases thus reducing the overall numbers to 10% of these totals.

Routine Operation Traffic:

Primary operation monitoring will be conducted off-site and remotely relying upon computer generated operating data and remote television cameras to provide a constant visual check of all units in operation.

On a routine basis, the primary traffic to access the subject site will be for mirror washing and maintenance requiring approximately 4 to 8 persons on a routine basis five days per week for a fully operational 200 MW system and 1 to 3 persons delivering cleaning supplies and replacement parts. The average trip count per week day then may average 10 to 12 vehicles on week days and negligible weekend trips for very rare emergency needs such as broken tracking systems or monitoring gear. In the interim phases, the number of staff visiting the site may be halved.

Sustainability[®]



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

54-09-23

COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: _____

APPLICANT: SUSTAINABILITY DEVELOPMENT LLC

MAILING ADDRESS: 3508 N. 7th ST S.W. 120 PHOENIX, AZ 85014

CONTACT TELEPHONE NUMBER: 602.315.8368

PROPERTY OWNER (IF OTHER THAN APPLICANT): JIAN. MING WU

ADDRESS: WILLOW, AZ PARCEL #'s

305-43-0109, 305-43-01244, 305-43-012B3

DATE SUBMITTED: 10.23.09

Special Use Permit Public Hearing Fee (if applicable)

Building/Use Permit Fee

Total paid

\$ _____
\$ _____
\$ 300

30000
CASH
REC'D

10/27/09

1C Dennis

PART ONE - REQUIRED SUBMITTALS

- ✓ 1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Sierra Vista Sub-Watershed Water Conservation Overlay Zone Permit Checklist
7. Traffic Impact Analysis (TIA): Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.
8. Material Safety Data Sheets
9. Extremely Hazardous Materials Tier Two Reports
10. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. Attach separate pages if the lines provided are not adequate for your response. Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? None, open undeveloped land
2. What is the proposed use or improvement? 200 MW solar power electric generation facility
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? the construction and operation of concentrating solar power parabolic collectors. operation monitoring will be remote and maintenance will be mostly mirror cleaning by 4 to eight persons ongoing.

4. Describe all intermediate and final products/services that will be produced/offered/sold.

electrical power

5. What materials will be used to construct the building(s)? (Note: if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal) solar collectors are comprised of glass mirrors, metal mounting frames, metal central pipe tower, underground electrical wiring

6. Will the project be constructed/completed within one year or phased? One Year
Phased ☒ if phased, describe the phases and depict on the site plan.

phase I: 10 to 20 MW; Phase II: 10 to 20 MW;

phase III: 10 to 20 MW; phase IV: 140 to 170 MW

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from 6 AM to 6 PM) Average mean day.

B. Number of employees: Initially: 8 Future: 20
Number per shift Seasonal changes approx. same year around

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site. After completion 4 to 8 vehicles daily

(2) Total trucks (e.g., by type, number of wheels, or weight)
(During construction) 10 vehicle trips daily.

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?
It is assumed that most traffic will enter and leave by way of Baker Road at the SW corner

(4) If more than one direction, estimate the percentage that travel in each direction

N/A

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest?
traffic will be approximately the same year around.

- D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan. *for mirror cleaning only when entire facility is completed in 2020.*
 Estimated total gallons of water used: per day 500 gals per year 200,000 gals
- E. Will you use a septic system? Yes ☒ No ☐ If yes, is the septic tank system existing? Yes ☐ No ☒
 Show the septic tank, leach field and 100% expansion area on the site plan. *Unknown at this time*
- F. Does your parcel have permanent legal access*? Yes ☒ No ☐
 D. If no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one):
☐ private road or easement**
☒ County-maintained road
☐ State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

- G. For Special Uses only - provide deed restrictions that apply to this parcel if any.
 Attached NA

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water		<i>well service</i>
Sewer/Septic		<i>septic</i>
Electricity	<i>on site power</i>	
Natural Gas		<i>none</i>
Telephone		<i>TBD</i>
Fire Protection		<i>TBD</i>

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

all maintenance will be conducted outdoors

2. Will outdoor storage of equipment, materials or products be needed? Yes ☐ No ☒ if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. _____
3. Will any noise be produced that can be heard on neighboring properties? Yes ☐ No ☒ if yes, describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? _____
4. Will any vibrations be produced that can be felt on neighboring properties? Yes ☐ No ☒ if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____
5. Will odors be created? Yes ☐ No ☒ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____
6. Will any activities attract pests, such as flies? Yes ☐ No ☒ If yes, what measures will be taken to prevent a nuisance on neighboring properties? _____
7. Will outdoor lighting be used? Yes ☐ No ☒ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.
8. Do signs presently exist on the property? Yes ☐ No ☒ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.
- A. _____ B. _____ C. _____ D. _____
9. Will any new signs be erected on site? Yes ☒ No ☐ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes ___ No ☒

If yes, will storm water be directed into the public right-of-way? Yes ___ No ___

Will washes be improved with culverts, bank protection, crossings or other means?
Yes ☒ No ___ *As necessary to prevent erosion*

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

crushed aggregate

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.) *Site visits are for occasional cleaning and replacement maintenance. No visitor parking is req'd.*
13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes ___ No ☒ If yes, show details on the site plan. Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

The only on site water usage will be for mirror cleaning only. Water will drip from mirror surfaces to existing grade for reabsorption.

2. How many acres will be cleared? none, equipment is pole mtd.
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) _____

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No _____ Yes _____ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts.

The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature _____

Date signed _____

10-29-09



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

Hazardous Materials Attachment

Firm's current name: _____

Current location: _____

Fire district: _____

Nearest main intersection with street names: _____

Distance: _____ miles Direction: _____

Firm's previous location(s)

Previous name(s) of firm/operation: _____

Previous location(s): _____ Date(s): _____

Previous compliance/accident history: _____

Date(s): _____

1. List hazardous and polluting materials (including raw materials, products, wastes, emissions, discharges, etc.) that will be brought to, stored, manufactured, produced, generated, processed or otherwise used at or released or transferred from the site and the quantities you will store. Material Safety Data Sheets (MSDS) are required for all such substances.

Material _____ Quantity _____

Material _____ Quantity _____

Material _____ Quantity _____

Material _____ Quantity _____

2. How will substances be stored? (For example, automotive batteries require impervious flooring, flammables require NFPA 30 cabinets, gas cylinders need restraints, and many chemicals have specific requirements, such as secondary containment areas for liquids. These requirements are found in the MSDS or can be requested from ADEQ.)

3. What methods will ensure proper containment during use or ventilation? (Waste and by-products as well as substances have specific needs to control damage from those products.)

N/A

4. Is any welding being performed and where? (Flammables must be kept away from sources of ignition such as electricity, arcs, sparks, hot metal or open flame. Gas cylinders must be secured.)

N/A

5. How will waste/ excess substances be disposed of? (Commercial operators may not use the County transfer stations' hazardous waste program. They handle only household materials.)

N/A

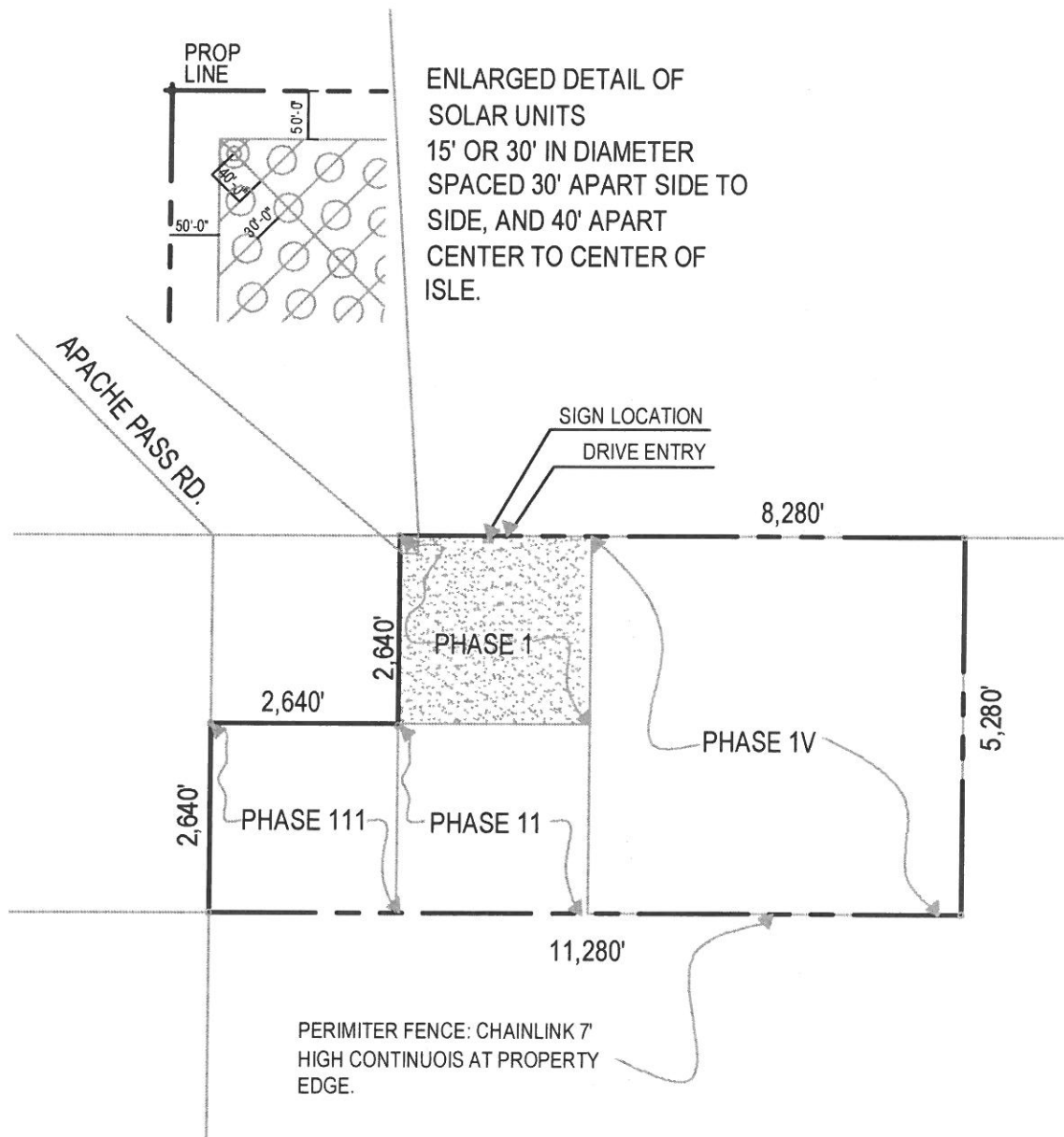
6. What evacuation, treatment and notification will be made if there are any releases to groundwater or air? (Notification may be required to the Sheriff's Department, adjacent neighborhoods, State Fire Marshal, local fire district, ADEQ, and/ or EPA.)

N/A

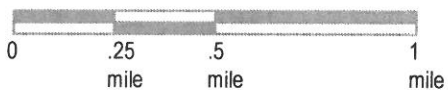
Signature

Date

10.23.09



SITE PLAN



ZONING: RU FU 4 CATAGORY D

SITE AREA 1,120 ACRES

PARCEL NO. 304-01-0043, 304-01-0042, 304-01-004B, 304-01-0238, 304-01-024 1

BOWIE POWER PLANT

OWNER: SUSTAINABILITY DEVELOPMENT, LLC

BOWIE, ARIZONA



COCHISE COUNTY PLANNING DEPARTMENT SIGN PERMIT

(To be completed with the Joint Permit Application,
Contractors License Form, Lighting Worksheet (if applicable))

Part A: Attach a drawing of the proposed sign showing copy on both sides of the sign and dimensions. If illuminated, show location of lighting on the sign and attach drawings of the lights.

Show the sign location on the site plan submitted with the Joint Permit Application.

Part B: Description of the proposed sign: complete the following information.

Check Classification of Sign

Accessory Sign (on same site as sign)

- ☒ Name plate
- ☐ Home occupation
- ☐ Identification
- ☐ Real Estate
- ☐ Subdivision/Mobile Home Park
- ☐ Developer
- ☐ Bulletin
- ☐ Utility
- ☐ Contractor
- ☐ On-site Advertising
- ☐ Private Traffic Control
- ☐ Other

Non-accessory Sign (not on same site as sign)

- ☐ Directional
- ☐ Off-site Advertising
- ☐ Billboard
- ☐ Memorial

Sign Structure

- ☒ Free standing
- ☐ Projecting
- ☐ Wall
- ☐ Roof
- ☐ Window Graphic

Illuminated

- ☐ Yes (submit electrical plans)
- ☒ No

Height

7'

Setback to the Street

10'

Number of Faces

1

Area (square feet)

13.5 sq

Clearance (Distance between the ground and the bottom of the sign)

4'

Contractor's Name

T.B.D.

Address

Bowie, AZ

Parcel Number 304-01-0043, 304-01-0048 2,
304-01-0043 1, 304-01-0238, 304-01-0241 1

Phone 602 315-8368

304-01-0098

Fees

- Billboards (300 square feet or more): \$100
- Less than 15 square feet: \$30
- All other sign permits: \$60

(Note: No fee if processed with a joint building permit.)

Amount Fee Paid \$ 30.00

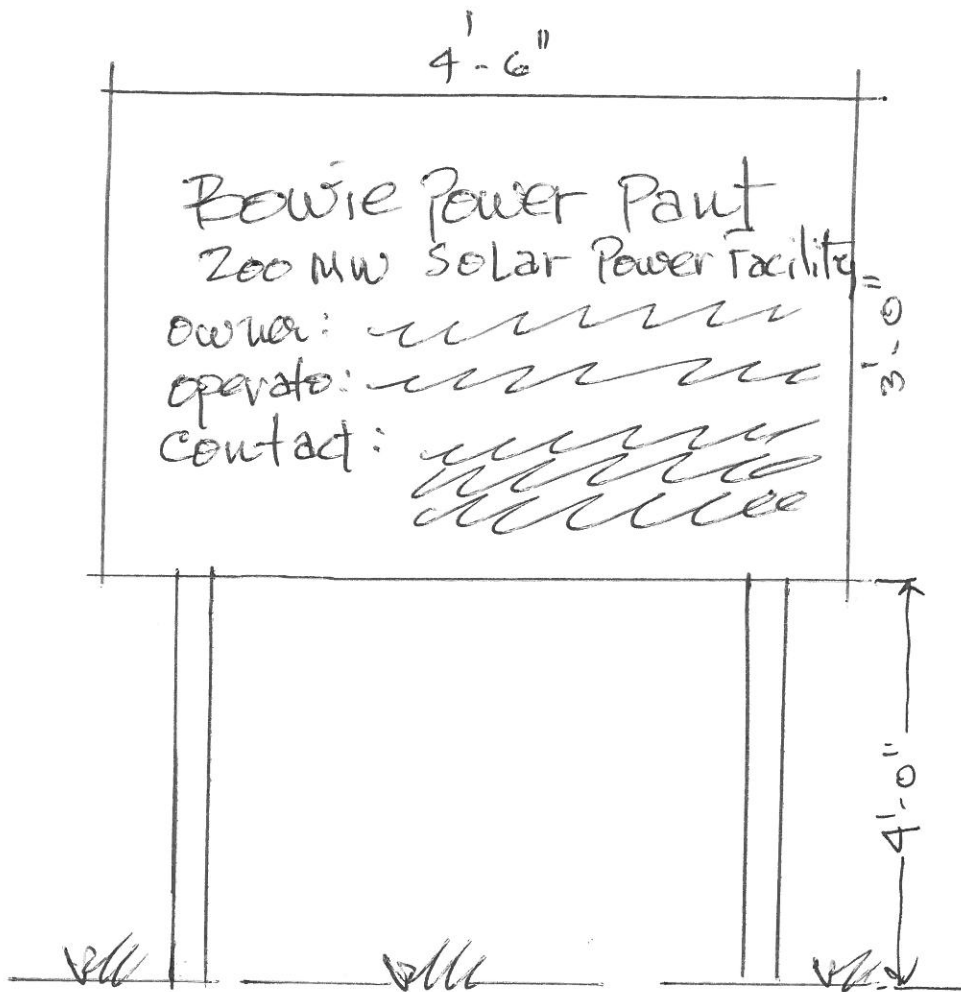
Applicant Signature:

Date: 10.23.09

Staff Use: Zoning District

Sign allowed in Zoning District: Yes

No



Turisk, Mike

From: Kim Kristoff [kristoff@mercdevelopment.com]
Sent: Sunday, October 25, 2009 2:45 PM
To: Montana, Susana; Turisk, Mike
Subject: Site Plans For Willcox (Oxbow) and Bowie Sites

Mike,

We have herewith attached the site plans for each site. Please note that there are no roads intended nor other buildings required at this time. Dis maintenance will be by off-site vehicles that drive between the collectors when necessary to clean and repair the units.

Kim

Sustainability®

Kim C. Kristoff
3508 N. 7th Street
Phoenix, AZ 85014
ph 602.795.1902
fx 602.253.1965
cell 602.315.8368
kristoff@mercdevelopment.com
www.mercdevelopment.com

10/26/2009

42



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

October 26, 2009

Mr. Kim C. Kristoff
3508 N. 7th Street
Phoenix, AZ 85014

Re: Submitted Special Use Applications for proposed Solar Energy Power Plants near Bowie and Kansas Settlement

Dear Mr. Kristoff:

The Planning Department is in receipt of your Special Use Applications for two 200MW Solar Energy Power Plants proposed for the Bowie and Kansas Settlement areas in anticipation of a public hearing before the Planning and Zoning Commission on December 9th, 2009. However, after reviewing the submitted applications and supporting material, staff has determined that the application packages are deficient in several key areas. **We are not suggesting postponement of the public hearing at this time, however. Rather, we ask that you adequately address the deficiencies described below by the end of the business day, Monday, November 2, 2009 in order to deem your applications complete in order to qualify for the December 9th Commission meeting.**

Firstly, as we had discussed during our pre-application meeting on September 30th, site plans are required as part of a complete Special Use Permit application packet. The following are required elements of a site plan per Section 1705.07 of the Cochise County Zoning Regulations:

- A. North arrow and scale clearly shown;*
- B. Site boundaries and dimensions;*
- C. Known names of adjoining streets;*
- D. Location and exterior dimensions of all existing and proposed buildings, structures, and uses, including side-elevation drawings showing height of structures if necessary;*
- E. Location and width of all existing and proposed vehicular driveways and/or access points to the parcel from adjoining streets and alleys;*
- F. Location of the septic tank, leach field, and area for 100 percent expansion and distances to all structures, wells, washes and property lines and any additional setbacks in the Arizona Administrative Code R18-9-A312 (C);*
- G. Location, depth and width of all drainage-ways within 300 feet of proposed improvements;*
- H. Location, height and materials of walls, fences and screens;*
- I. Off-site improvements, such as culverts, driveways and utility installations; and*
- J. Any other information deemed necessary by the County Zoning Inspector to make a determination of conformance with these Zoning Regulations and as required by the Cochise County Health Department as referenced in AAC R-18-9-A309 (B) (2).*

The submitted site plans accompanying your Special Use Permit applications acknowledge several of the site plan criteria noted above; however, critical and essential details are lacking regarding the specific type and nature of the solar power technologies to be employed at each site. If you recall, during our pre-application meeting on September 30th, you had indicated that Stirling-engine 'sun-catcher' technology would be employed. However, the submitted Special Use Permit applications indicate that 'solar power parabolic collectors' would be used.

For clarification's sake, are you referring to *parabolic trough* technology or simply using different terminology to describe Stirling-engine 'sun-catchers' as we discussed? Regardless, we need specific and clear information through the use of narratives, photographs and illustrations regarding the proposed solar power technologies and cooling strategies in order to perform the requisite land-use analyses and to allow the Planning and Zoning Commission to accurately gauge the potential for impacts and make an informed decision regarding your applications.

Secondly, we request information regarding proposed power transmission, distribution and power purchase agreements for each site. Again, this information would help staff perform the required analyses and provide the Planning and Zoning Commission with a holistic view of the projects' overall scope.

Thirdly, we request more detailed water budgets for each solar power project. As you know, water use is a major concern with some Concentrating Solar Power technologies. There are no details regarding what type(s) of cooling strategies are to be integrated into each project, such as hybrid- and/or dry-cooling technologies.

Please note that the Planning and Zoning Commission (and the Board of Supervisors if the Special Uses are appealed) shall consider the Special Use factors detailed in your application packet in deciding whether or not to approve your applications. Compliance or non-compliance with applicable Special Use factors serves as the basis for analyzing the Special Use requests and determining factors in favor or factors against approval. The Special Use factors represent policy decisions by the Commission (and the Board if appealed), reducing uncertainty concerning their probable response to a given request. No set of factors, however, can totally determine the acceptability of all land use proposals. In a specific Special Use, an individual factor may weigh more heavily than other factors; in this case the overall lack of detail, especially about technologies and water use, may result in staff recommendations of denial to the Planning and Zoning Commission.

Please understand that it is not our intent to impose roadblocks to your projects. In fact, we have been accommodating of your request to go before the Commission in December. Rather, we wish to communicate that it is in your best interest to provide as much information as possible, as we discussed during our pre-application meeting on September 30th, so as to minimize the possibility of denial of your projects. As was mentioned, it is essential for staff and the Commission to have as much information at our disposal in order to have a clear understanding of the scope and nature of the proposed projects so as to render well-informed recommendations and decisions.

We request that the deficiencies described above be addressed by the end of the business day, Monday, November 2, 2009. If the deficiencies are not addressed to our satisfaction by that date and time, the public hearing would be rescheduled to a later date.

As a reminder, should your solar energy power plant projects be approved, you would need to obtain commercial permits and building permits for each site.

Should you have any questions, please feel free to call me directly at 520.432.9253 or contact me by email at mturisk@cochise.az.gov.

Sincerely,



Michael Turisk, Senior Planner

C: Susan Buchan, Planning Director
Susana Montana, Planning Manager

Turisk, Mike

From: kristoff@mercdevelopment.com
Sent: Friday, November 06, 2009 12:38 PM
To: Turisk, Mike
Cc: Montana, Susana; Buchan, Susan
Subject: RE: Willcox and Bowie Sites

Mike,

Thank you for your notice. This evening has been my first access to e-mail since my departure on the 31st of October. I'm in Madrid, Spain this evening and returning to Arizona on the 13th of November.

Regrettably, I missed you and Susana the other day when last I was there to pay our fees and speak with you or Susana at some length about the vary issues that you raise in your letter. That was also the evening I met with neighbors in Bowie and David bane in Sierra Vista. I feel that we are at an added disadvantage because I do not know that you have received the additional e-mail that has provided expanded detail (<http> for both Tessera and Infinia separately) about the two leading systems that we intend to pursue, one from Tessera/SES and the other from Infinia. You may note that neither one requires any water for cooling whatsoever and that the only water use is for washing the dishes which we liken in detail to some very small percentage of residential or farm usage by any measure. This was noted in mail to you and copied to Susana on the evening of the 28th well before the 2nd of November. Again, this information has been provided twice by e-mail and it seems that for whatever reason it has not been noted by Cochise County staff.

Additionally, I made an effort to provide all of the possible or even plausible information that you asked for both sites in the hard copy forms presented to Keith in your absence and by e-mail. For example, you were asking for expansion on the PPAs and transmission hook-ups and I referenced discussions with Martin Bailey and desperately with Dave Bane, both of which were very supportive and helpful in their tentative response to promote hook up in their respective systems at AEPCO and Transco. In both cases the nearest hook-up would be to the Apache plant and the existing smaller Bowie plants respectively. It seems from your current mail that you are unaware of those comments. Did you receive my explanatory e-mail before my departure to Spain? In that e-mail I noted the height of the individual systems and asked whether we were to provide an elevation of a mile long site or just an individual unit, in which case the unit elevations are shown as side and front elevations on the web sites forwarded to you.

Further, you asked that we address clearing and grading issues that are practically irrelevant for a utility installation above ground that stands on columns and are not particularly related to ground surface irregularities much less ambient stormwater concerns not of its causing.

I admit that our comments regarding traffic are minimal and absent the benefit of on-site audits or reference to county road management data, but we have visited both sites and I believe the comments included thus far to be well within the realm of reality looking forward and it is the same discussion as we have related to the neighbors.

if you feel confident that something more expansive will help to serve the county and its review process then we must defer to you of course. Our concern is that the county is not treating the idea of an above grade temporary construction system for frame support for the particular solar panels with a usable life of no more than 30 years as though this were a more conventional building construction for commercial, residential or industrial applications which it clearly is not. There are no roads, parking areas, tertiary buildings or the need to change land elevations, much

11/6/2009

less clear trees or organic soils.

We fully appreciate all that you are doing to assist our efforts but we do not believe that anything else will be discovered than is evident today by waiting until the January hearing date with all do respect to the Cochise County Planning and Zoning Department. Further, It seems imperative that we have a further discussion about the realities of guessing at issues that clearly are evolutionary and generally follow the land entitlement process when site engineering, design development and working specifications are resolved through the building departments especially as relates to life, safety and health issues and other building code compliance matters. Being forced to subscribe to a particular engineered layout prematurely is, in our opinion, wasteful of county and our own engineering efforts to say nothing of having to resubmit for amendments to the tentative entitlements. We seek only the opportunity to use the land accordingly and we fully appreciate that all that will follow will be dependant upon meeting the intent of the entitlement process.

I have attempted to find you in this afternoon about 12:30 PM your time. I will have no choice but to try and reach you again early your time Monday morning. We realize that you are following process guidelines but we feel certain that the first completed entitlement process for a utility scale project will test both the new solar ordinance as well as the standard operating procedure for its related construction permit review.

Please note that Spain is 8 hours ahead of your time locally. Please feel free to respond by e-mail and I'm sure I will try to connect with you at a time convenient to you regardless. Again, thank you for all of your assistance.

Regards,
Sustainability

Kim

----- Original Message -----

Subject: RE: Willcox and Bowie Sites

From: "Turisk, Mike" <MTurisk@cochise.az.gov>

Date: Tue, November 03, 2009 2:23 pm

To: "Kim Kristoff" <kristoff@mercdevelopment.com>

Cc: "Buchan, Susan" <SBuchan@cochise.az.gov>, "Montana, Susana" <smontana@cochise.az.gov>

Kim,

On Monday, October 26, the Planning Department provided you correspondence requesting additional information regarding your two proposed solar energy power plant projects in northeastern Cochise County (*see attached letter*). At that time, we had given you until the end of business, Monday, November 2 to fulfill our request; however, as of this writing we have yet to receive the requested information. As a result, Staff has determined that your Special Use Permit applications are incomplete. Based on the nature and scope of the projects, the information provided is insufficient in order for Staff to perform the requisite thorough analyses in time for the December 9 Planning and Zoning Commission meeting. Therefore, Staff recommends postponing the public hearing until January 13 at the earliest, in order to adequately address our concerns. The deadline for the December Commission meeting was October 23, so our clock is ticking, as time must be allotted to allow various agencies to provide feedback, legal notices to be published and Staff to perform the analyses.

If you recall, during our pre-application meeting in September you had suggested providing Staff with explicit narratives and diagrams, and supplementing the Special Use applications with at least some technical data, especially about proposed cooling technologies. Furthermore, we discussed at length the importance of addressing water use by submitting water budgets for each site. We also discussed other components of the projects, such as transmission and distribution, as well as power purchase agreements.

That said, you have indicated that you do not have all the answers at this time, but you must understand that without answers to our questions we cannot fully gauge the potential for off-site impacts. Consequently, Staff cannot recommend approval with the information provided up to this point in time. However, if you are able to provide the requested information outlined in our letter to you by the end of business today (Tuesday, November 3), Staff would be much better equipped to provide the Commission with the information necessary for that body to make the most informed decision possible on December 9. Again, however, without the benefit of additional and specific information about water budgets, technologies, etc., we must deem your applications incomplete and recommend postponing the public hearing.

You have the option to move forward with your current applications for December, but please note that Staff would recommend *denial* for both projects. If you choose to move forward and your applications are denied you have the option to appeal, but your projects would be delayed and you would be required to remit additional application fees. To be frank, this is not a very strong option.

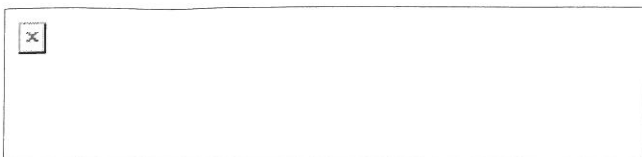
As stated in our letter, we are not intent upon placing roadblocks to your projects. We recognize that renewable energy production is a laudable and important public policy goal. However, your proposals constitute major power plant projects, each with the potential for significant impacts. As such, they are deserving of careful and thorough analyses. We have a directive to fulfill our duty to protect, to the greatest extent possible, the health, safety, welfare and quality of life of residents and landowners in Cochise County.

Sincerely,

Michael Turisk, Senior Planner
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, Arizona 85603
tel: 520.432.9240
fax: 520.432.9278
email: mturisk@cochise.az.gov

"Public Programs; Personal Service"
www.cochise.az.gov

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From: Kim Kristoff [mailto:kristoff@mercdevelopment.com]
Sent: Monday, October 26, 2009 7:48 PM
To: Buchan, Susan; Turisk, Mike
Cc: 'Virginia Senior'; 'Edward Crosby'; 'Monat, Ron @ Phoenix'
Subject: RE: Willcox and Bowie Sites

Mike,

Thank you for taking time to detail the area of deficiencies you have determined in our application package. We fully appreciate all that you and other County staff have done to assist us thus far.

To be sure, there are numerous other issues that you might have addressed and you can imagine that we simply do not have all of the answers at this time. We will make every effort to fully disclose accordingly and respond on or before the November 2, 2009 date accordingly.

Let me expand here for a moment in hopes of improving communication in the future. The proposed system will be a **concentrating parabolic dish solar tracking collector and power generation system** that operates by focusing solar heat and expanding and contracting hydrogen gas, not water, to cycle the Stirlingengine. There is no water used in the system whatsoever. Water is only required for washing the dishes (about 20 gallons per dish per annum) and that discussion is addressed further in the traffic comments herewith attached. To be sure, water usage is very minimal. Any other use as residential, farming or manufacturing/commercial would be far greater. Therefore discussions of water usage are somewhat deminimis in our application we think. Secondly, we are disposed to use either of two systems that use hydrogen as the exchange medium, either the Tessera/SES SunCatcher® or the Infinia system which has a much smaller dish diameter but many more are required to produce a single MW of power. In both cases, a Stirlingengine is the electric power generator. I have attached those materials in past mail but I am certainly happy to provide them again:
<http://www.tesseractosolar.com/international/our-investors.htm> <http://www.infiniacorp.com/infinia-solar-system.html>

Additionally, we may want to consider one of the emerging parabolic trough types of technologies that I have also forwarded by e-mail attachment. I realize that this kind of exploration during a special use application is perhaps frustrating to the planning department but very necessary to insure that we are considering all of the evolving technology options that benefit us and the consumer long term. Indeed, these options should be considered a fundamental part of the review process though we will likely present only one at the hearing in order to limit confusion. One of the "concerns" raised by a nearby land owner, but not a local resident, is the actual appearance and height of the units. You can imagine how difficult this discussion is in that light. What side elevations would we provide on a level site but for the typical dish unit or are you suggesting that we replicate the elevation of an entire field of nearly 7,000 dish units for just the first phase 20 MW? It seems to us since there are no buildings, driveway, streets, parking areas, drainage or transfer culverts or storm water collectors, septic fields or similar building improvements being proposed that items D,E,F,G,H & I may be unnecessary in this particular scenario. Nevertheless, the addition of some notes is probably warranted for clarification sake.

Your second issue is a much more vexing problem to address, namely power purchase agreement(s) as we are only beginning to address the issues with Transco, AEPCO, Western Power, SRP and numerous cooperatives in and outside of Cochise County at this time. Suffice it to say that we are a day-time DC power peak load generator and so a night time "alternative fit" must be found. We hope that you did not assume at this early stage that the many issues related to power distribution, much less the power purchase agreements themselves had been resolved and therefore, "this whole thing is in the bag" but for the Special Use permit. Far from it; most people we've spoken to believe that we and Cochise County will experience a "future reality" as we move forward together. Birthing a solar plant is a whole lot of work unlike building a conventional power grid generator like the 475 MW Apache or 1,000 MW Bowie plants. In addition to finding short term assistance and cooperation with perhaps the gas powered

Bowie plant we will still have to find a way to merge with one of the major transmission systems for our long term prospects to emerge successful. All of this will surely be possible with a special use permit and otherwise it would be a pipe dream. Therefore, I am perplexed about what exactly you would like for us to provide in this particular discussion. We expect to connect at a substation for either Apache or Bowie plants respectively (and thus my meeting with Martin Bailey of SunZia today and David Bane tomorrow) for the short term say 3 to 5 years. Ultimately we will have to assist in the development of additional transmission to serve the larger regional market say within 200 miles. Apache, as you know lies just 10.9 miles to the west of our Willcox site and the Bowiesite as many miles away from the current Bowieplant in Bowie. There are simply too many questions to answer for this discussion to be fruitful at this time in our opinion

As relates to site considerations, the rural roads serving both sites and the related entries are pretty rough and agricultural in nature. We have no reason to change their current conditions for our needs and though we can have a land surveyor go out and give us an entry elevation; (if we can find one) a culvert elevation and the aligning swales etc., we're not certain that we understand the benefit to either the County or us for the upcoming December 9th hearing. We will certainly do whatever is required of us of course.

Your earliest acknowledgement of the above clarification is appreciated.

Incidentally, I will expect to arrive in Bisbee at the Cochise CountyPlanning & Zoning office before my 2:00 PM meeting with David Bane at the SSVEC main office. I will be bringing a cash payment for the application fee and the original documents. Additionally, I can bring copies of either or both of the Tessera/SES and Infinia tracking systems for your further edification.

Regards,

Kim

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Kim C. Kristoff
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Phoenix, AZ 85014
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fx 602.253.1965
cell 602.315.8368
kristoff@mercdevelopment.com
www.mercdevelopment.com

From: Buchan, Susan [<mailto:SBuchan@cochise.az.gov>]
Sent: Monday, October 26, 2009 5:05 PM
To: Turisk, Mike; Kim Kristoff
Cc: Montana, Susana
Subject: RE:

Very good letter, Mike.

Susan E. Buchan, Director
Cochise CountyPlanning Department
1415 Melody Lane
Bisbee AZ 85603
520.432.9240

Please consider the environment before printing this e-mail

From: Kim Kristoff [mailto:kristoff@mercdevelopment.com]
Sent: Wednesday, October 21, 2009 4:47 PM
To: Turisk, Mike; Montana, Susana
Cc: 'Edward Crosby'; 'Monat, Ron @ Phoenix'
Subject: RE: Willcox and Bowie Solar Power Generation Facilities

Mike,

Thank you.

We fully respect the purpose and the nature of traffic impact statements of course. I'm afraid that I am guilty of avoiding this discussion of traffic impact since there is virtually no traffic generated by the operation of the arrays per se. There are crews of perhaps 4 to 8 persons on a larger array field who provide washing services but otherwise there are rarely persons on site since operation monitoring is off-site. Maintenance is very minimal especially in the early years of operation owing to the fact that the equipment is intended to operate for decades with nearly no replacement or upkeep other than washing. To the issue of construction traffic, a maximum of 20 to 30 flat bed trucks per day would come and go over the existing gravel road surfaces which we would expect to maintain in their current repair. In addition there would be another 10 to 20 private vehicles providing the relatively compact labor services to the construction mobilization which would last for 12 months to 14 months during a construction phase.

In fairness to efforts, we can not know with certainty either the start date of construction or the term of construction given that we are proposing phased development. We are mindful that Sustainability will be responsible for dust control measures with watering trucks and care and maintenance of the road surface during the construction term. Ideally, two persons are installing a dish per day with 4 to 5 similar crews installing up to ten dishes per day of pre-constructed assemblies with one additional person moving materials around on site for up to ten dishes at a time. Dishes are not installed until central columns are installed and conduits laid for electrical trunk connections underground. In other words, fewer than 30 persons would be on site at any one time for the duration of construction. Because there is no on-site fabrication but only assembly of pre-fabricated assemblies, the impact on either of the two secondaries serving the site will be very minimal indeed.

We can attempt to have this reiterated by a traffic consultant of course prior to the December 9th hearing in order to fulfill the traffic report section but we would prefer to expand the materials for the hearing date accordingly and perhaps provide more specificity at that time. We are willing to fall on our sword on this issue and you will note that the actual traffic will be less than I have described above. Again, once the facility is operational in say 2012 or 2013 then the traffic impact will be greatly reduced. This has been our experience in California, Arizona and New Mexico to date.

Your earliest response is appreciated. If we are required to prepare a comprehensive traffic analysis by this Friday PM then I submit that we are wasting your time as the hearing will have to be postponed for at least one or two more months given the Christmas Season is fast upon us in order to engage a traffic consultant and model a very specific development scenario in advance of any specific engineered development plan. That will have a very negative affect on our ability to proceed. Unlike residential development, the issues related to traffic are very difficult to pin down in the absence of numerous similar projects locally or elsewhere. For the moment the above information represents the best available in the market today and reflects input by Tessera/SES and Infinia both of which have competing equipment installations of similar scope and size.

How do you advise that we proceed in this matter of traffic analysis prior to the December 9th hearing?

Regards,

Kim

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 3508 N. 7th Street
 Phoenix, AZ 85014
 ph 602.795.1902
 fx 602.253.1965
 cell 602.315.8368
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Turisk, Mike

From: Kim Kristoff [kristoff@mercdevelopment.com]
Sent: Friday, November 20, 2009 9:31 AM
To: Turisk, Mike
Cc: Montana, Susana
Subject: RE: Willcox and Bowie Solar Power Sites

Susana, Mike,

Thank you for your inquiry.

We have not yet engaged a traffic consultant for traffic analysis. Nate was asked specifically to consider the on site soils for individual dish column placement and construction vehicle access only. He reviewed soils maps and site photos taken in early November including several photos of the road surfaces. If you feel that we must pursue a traffic report for the hearing date then please so advise. The consultant will then access the Cochise County traffic records and do an elementary initial report. If you feel that we must perform a "traffic count" at either or both sites then we will ask one of the local Cochise County civil engineering groups to assist us accordingly. We admit that we do not see any real concern for these issues, certainly beyond the initial construction activities, because site access in the future will be very minimal but we must defer to you of course.

Regards,

Kim

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 fx 602.253.1965
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kristoff@mercdevelopment.com
www.mercdevelopment.com

From: Turisk, Mike [mailto:MTurisk@cochise.az.gov]
Sent: Friday, November 20, 2009 8:45 AM
To: kristoff@mercdevelopment.com
Subject: FW: Willcox and Bowie Solar Power Sites

From: Montana, Susana
Sent: Friday, November 20, 2009 8:16 AM
To: Turisk, Mike
Subject: FW: Willcox and Bowie Solar Power Sites

We need a copy of that Nate Cottrell traffic analysis to see what kind of construction traffic he analyzed.

Susana Montana, Planning Manager
 Cochise County Planning Department
 1415 Melody Lane, Building E, Bisbee, AZ 85603
 (520) 432-9252
 fax: (520) 432-9278

11/20/2009

smontana@cochise.az.gov

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From: Kim Kristoff [<mailto:kristoff@mercdevelopment.com>]

Sent: Thursday, November 19, 2009 1:21 PM

To: Turisk, Mike; Montana, Susana

Cc: EdCrosby@cox.net; 'Monat, Ron @ Phoenix'

Subject: Willcox and Bowie Solar Power Sites

Mike,

Back to business again and very busy indeed.

I wanted to let you know that we have arranged for Charles Walker an executive of Infinia Corporation (our preferred solar system provider) to attend the hearing on the 9th of December and present their concentrating solar collector dish system and speak about recent installations especially in Spain and associated development information. Charlie will have his own Power Point presentation of course. Additionally, we can have available a representative from TetraTek (<http://www.tetratech.com/portal/site/TetraTech/>) an alternative energy construction contractor that has very significant construction installation experience in a variety of sustainable project types and is our leading choice for the installation of both the Willcox and Bowie sites. This will help to respond to local questions about employment opportunities if you think that that will be useful.

I have visited the subject sites and find that they are especially relevant for the application of the hardware type that we are proposing because the parallel underground cable connector-ways are not likely impeded by the slope characteristics of the properties. Nor are there any ambient problems such as excessive rain water or terrain irregularities, rock or organic materials that might inhibit field arrangement of several thousand solar dishes and their routine access. Our only current concern is controlling ambient dust that is more a fact of life in that region. More to the point, we have not heretofore witnessed even a single vehicle on these roads over several hours mid-week and have observed that our proposed regular maintenance requirements are not likely to impact the current road usage which you will appreciate has been for farm and cattle management access primarily. Additionally, we have reviewed the storm water characteristics of both sites and do not think that we have any reason to change the status quo as we are installing structures on independent central support columns without need for changing the slope characteristics of the terrain. Our own civil engineer, Nate Cottrell of Engineering Survey Technologies here in Phoenix does not believe that any special road surface improvements are necessary for the general site access needed for installing the drill-down columns or electrical cable-ways underground or cleaning maintenance for the dishes ongoing as the surface soil characteristics are without significant organic content or plastic soils and are covered mostly in surface gravel with hard pan and rock substrates that absorb rain moisture and drain quickly as you know.

As relates to substation design and transmission requirements to the Apache plant and SSVEC facilities and separately to the future and current Bowie plants to the north, it is believed that the interim 69 KV lines are adequate for the next 3 to 5 years for the early first phase installations after which local regional transmission improvements (whether through SRP, TEP, SSVEC, Edison, Transco or SunZia) will have to be upgraded with the involvement of each of the regional power providers participating in pro rata distributed costs accordingly. These issues are not going to be addressed before we have special use entitlement and are likely to be the result of engineering, planning and cost considerations by all of the stakeholders participating locally for several years to come.

11/20/2009

As you may recall, we had proposed that there was an available opportunity for the County (without any capital cost to the County) to participate in the ownership of the project and we were advised by Susanna that we should forgo any discussion of County involvement until after the special use process is completed. Is that still the posture that we should follow in your collective opinions?

In light of all we have discussed, what additional collateral materials do you believe that we must have available for that evening? Finally, you and Susana have been especially helpful thus far and we want to remind you that we are very dependant upon your further advice and counsel now and even following the public hearing on the 9th. Do you have any inkling of the agenda for that afternoon and what other preparation we should ready ourselves with?

Your earliest response is appreciated.

Regards,

Kim

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Montana, Susana

From: Lamberton, Karen
Sent: Thursday, October 22, 2009 9:26 PM
To: Turisk, Mike; Buchan, Susan
Cc: Montana, Susana
Subject: RE: Willcox and Bowie Solar Power Generation Facilities

I see this is a problem that needs solved like last week. I do not personally have a problem with this company providing a traffic statement a week or so in advance of the actual P & Z meeting; however, they need to be advised that the mitigation that is likely going to be needed for this project will be either contribution or in-kind improvement of the access roadway. Given the length of construction activities probably looking at improvement the road to sustain that amount of traffic and keep the dust down – cheaper to do something at the front end, I would think, then have a continual water truck. Without the Special Use in hand I can't really assess this very well but I did not recall that we often get traffic statements for Special Uses at the application stage...maybe that is triggered by something specific and large like this one.

A Traffic Impact Statement should address, at a minimum, the following information:

- A. A description of the proposed project including location, number of acres and number of proposed lots.
- B. Identify the condition, ownership and maintenance responsibility for the existing roadway network serving the proposed project.
- C. Identify the current average daily traffic on the roadway network serving the proposed project.
- D. Calculate, consistent with the most current version of the Traffic Engineer's *Trip Generation Manual*, the average estimated traffic to be generated by the proposed project and estimated peak hour traffic.
- E. Describe future traffic circulation patterns for the proposed project including distribution of traffic at the primary access point to the project site.
- F. Describe internal circulation features that are planned to move people throughout the site; include multi-modal aspects, such as pedestrian, bicycle and/or equestrian facilities, bus stops and traffic management elements.
- G. Include known accident data for the existing roadway network serving the proposed project site and describe proposed safety measures.
- H. Describe construction activities, including heavy truck traffic, anticipated for this project, with an anticipated timeframe for construction activities.
- I. Describe proposed mitigation and safety measures for the impacts of the project.

Obviously, this couldn't be put together by Friday evening. Well, it probably could, but it might be costly and they might need to be working on it tonight. You might suggest they make an attempt to answer as many of these points as they can and submit that for our review; we will then find it "deficient" and ask them to revise and in the meantime they can be moving forward to a December meeting date.

Your call...

Karen L. Lamberton, AICP
 County Transportation Planner


From: Turisk, Mike
Sent: Wednesday, October 21, 2009 4:48 PM
To: Buchan, Susan; Lamberton, Karen
Subject: FW: Willcox and Bowie Solar Power Generation Facilities

10/23/2009

54



Sulphur Springs Valley Electric Cooperative, Inc.

A Touchstone Energy® Cooperative 

311 E. Wilcox, Sierra Vista AZ 85635

520-515-3472

November 16, 2009

Michael Turisk, Senior Planner
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, Arizona 85603

Re: Solar Development

Dear Michael,

Many developers in the solar industry are looking at Cochise County as a site for the installation of large scale or utility grade projects. Mr. Kristoff is not the first to approach SSVEC with a proposed development but is the first that I am aware of, who has taken the step to contact the County regarding a special use permit.

Mr. Kristoff and I have met and discussed his project and others that have been proposed at various locations in the County. There are two issues that present a challenge to renewable energy projects in Cochise County. The first is SSVEC is not in a financial position to purchase large volumes of renewable energy just for its own goals, and the second is SSVEC's facilities were not designed or built for the import and export of energy from third parties, especially large amounts as Mr. Kristoff is proposing. Taking these problems into consideration, Mr. Kristoff has also contacted Southwest Transmission Cooperative who owns and operates the transmission system that supplies the energy to SSVEC and is connected to several other utilities' transmission facilities. Mr. Kristoff has chosen two locations that are fairly close to SSVEC substations that would allow the energy to be transported to Southwest Transmission Cooperative where it then go to the regional transmission grid for export to regional markets. Connecting a generator to the electrical grid does require modification of electric facilities. Larger generators, such as Mr. Kristoff's proposal, will require significant upgrades of not only SSVEC's facilities, but possibly also SWTC's and other utilities'. These upgrades include but are not limited to the lines to increase the capacity, changes to the equipment that is installed to monitor system status, metering, equipment to protect our system to be able to work when energy could be flowing in two directions rather the one in the current design, and changes in operational procedures. All of these costs would be passed on to the developer of the project since all the changes are strictly for their benefit. These additional costs typically change the economics of the project to a point where they are not viable, but in talking to Mr. Kristoff these system upgrades were considered in his economic model.

SSVEC has gladly worked with developers of renewable energy projects and will continue to do so.. If this project moves forward we will then look at a Purchase Power Agreement or a transportation rate tariff for the renewable energy.

Respectfully,



David Bane
Key Account Manager
520-515-3472



Turisk, Mike

From: McGee, Michael
Sent: Friday, November 13, 2009 7:15 AM
To: Turisk, Mike
Subject: RE: Cochise Co. solar energy projects-Message 1 of 2

Mike,

They would need to submit a Notice of Intent to Discharge with the associated paperwork to P&Z for their septic system(s). A fee of \$600 for commercial system would apply.

Thanks, Mike

Michael McGee, RS
Environmental Health Director
Cochise County Health Dept.
mmcgee@cochise.az.gov
Benson 520-586-8206
Bisbee 520-432-9444

From: Turisk, Mike
Sent: Thursday, November 12, 2009 11:40 AM
Subject: Cochise Co. solar energy projects-Message 1 of 2
Importance: High

All,

The Cochise County Planning Department requests your comments for two, 200MW solar energy power plant projects proposed for northeast Cochise County. The Special Use Permit applications will be considered by the Planning and Zoning Commission on Wednesday, December 9th.

These are the first applications for solar energy power plant projects on this scale in Cochise County. There is concern that the Applicant has not provided staff with sufficient information to perform thorough analyses for projects on this scale.

Please see the attached files for additional information. Note that at least two messages will be sent, as the files are too large to attach to a single email.

Thank you in advance for your time and consideration.

Sincerely,

Michael Turisk, Senior Planner
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, Arizona 85603
tel: 520.432.9240
fax: 520.432.9278

11/16/2009

Turisk, Mike

From: Al Amezcua [Aamezcua@azcc.gov]
Sent: Friday, November 20, 2009 12:59 PM
To: Turisk, Mike
Subject: FW: Cochise Co. solar energy projects-Message 1 of 2

Good afternoon,

I checked with staff here at the Commission and they wanted me to related a message of their comments. Per Mr. Ray Williamson (staff engineer), his only comment was that he hopes you understand that you need to take these projects to the Line Siting Committee. I wanted to thank you for sending me this information.

Sincerely,

Alfonso Amezcua
Arizona Corporation Commission
Utilities Division
Public Utilities Consumer Analyst II
602-542-0842 tel
602-542-2129 fax

-----Original Message-----

From: Terri Ford
Sent: Tuesday, November 17, 2009 8:28 AM
To: Al Amezcua
Subject: RE: Cochise Co. solar energy projects-Message 1 of 2

I did speak with Ray, and his only comment was that he hoped Mr. Turisk understands he needs to take these projects to the Line Siting Committee.

-----Original Message-----

From: Al Amezcua
Sent: Tuesday, November 17, 2009 8:19 AM
To: Terri Ford
Cc: Barbara Keene
Subject: FW: Cochise Co. solar energy projects-Message 1 of 2
Importance: High

Good morning,

I spoke with Mr. Turisk yesterday afternoon. He just wanted to inform the ACC about these projects and wanted some kind of feedback if possible. Is this something T&E can comment on or provide him with feedback? I sent this email to Ray Williamson yesterday and his answer was no comments. Please advise.

FYI: I'm unable to send this email it's to big, will need to send it in two parts.

Thank you,

Turisk, Mike

From: Kent, Gretchen R Ms CIV USA IMCOM [gretchen.kent@us.army.mil]
Sent: Tuesday, November 24, 2009 4:10 PM
To: Turisk, Mike
Subject: RE: Cochise Co. solar energy projects-Message 1 of 2
Signed By: There are problems with the signature. Click the signature button for details.

Mike, hases sent to our testers. It is likely that they will have comments, but won't know for sure for a week or so.

Gretchen Kent
PAIO Chief
(520)533-3135
DSN 821-3135

-----Original Message-----

From: Turisk, Mike [mailto:MTurisk@cochise.az.gov]
Sent: Thursday, November 12, 2009 11:56 AM
Subject: Cochise Co. solar energy projects-Message 1 of 2
Importance: High

From: Turisk, Mike
Sent: Thursday, November 12, 2009 11:40 AM
Subject: Cochise Co. solar energy projects-Message 1 of 2
Importance: High

All,

The Cochise County Planning Department requests your comments for two, 200MW solar energy power plant projects proposed for northeast Cochise County. The Special Use Permit applications will be considered by the Planning and Zoning Commission on Wednesday, December 9th.

These are the first applications for solar energy power plant projects on this scale in Cochise County. There is concern that the Applicant has not provided staff with sufficient information to perform thorough analyses for projects on this scale.

Please see the attached files for additional information. Note that at least

Turisk, Mike

From: Montana, Susana
Sent: Monday, October 12, 2009 9:36 AM
To: Turisk, Mike
Subject: RE: Draft Citizen Letter for 1,587 acre tract Special Use Application

I would suggest that they explain how the electricity would connect to The Grid—will they install new high-power transmission lines? Also, they should estimate the number of on-site employees during operation and maintenance and which roads would be used to access the Site. A photo of one of the 45,600 dishes would be helpful.

Susana Montana, Planning Manager
 Cochise County Planning Department
 1415 Melody Lane, Building E, Bisbee, AZ 85603
 (520) 432-9252
 fax: (520) 432-9278
smontana@cochise.az.gov

"Public Programs; Personal Service"
www.cochise.az.gov
 Please consider the environment before printing this e-mail



2010 CENSUS: IT'S IN OUR HANDS

www.2010census.gov

From: Turisk, Mike
Sent: Monday, October 12, 2009 9:27 AM
To: Montana, Susana
Subject: FW: Draft Citizen Letter for 1,587 acre tract Special Use Application

Susana, this is the draft Citizen Review letter for the proposed 200MW solar plant near Kansas Settlement. Kim has requested that we review it as soon as possible and offer suggestions, if any.

We'll talk at length about this during our Staff meeting.

Sincerely,

Michael Turisk, Senior Planner
 Cochise County Planning Department
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 tel: 520.432.9240
 fax: 520.432.9278
 email: mturisk@cochise.az.gov

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www.cochise.az.gov

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2010 CENSUS: IT'S IN OUR HANDS

From: Kim Kristoff [<mailto:kristoff@mercdevelopment.com>]
Sent: Monday, October 12, 2009 9:18 AM
To: Turisk, Mike
Cc: Buchan, Susan
Subject: FW: Draft Citizen Letter for 1,587 acre tract Special Use Application

Susan, Mike,

Please look over the attached and feel free to offer your further suggestions. The letter being addressed to the neighbors of the similar 1,120 acres near Bowie will invite them to a meeting in Bowie on Tuesday the 20th accordingly. That will allow us to address neighbors for both properties on successive evenings. We will probably remain overnight for convenience sake.

Sustainability®

10/12/2009

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By way of introduction, Sustainability Development is an Arizona LLC (Sustainability) based in Phoenix and formed to develop alternative energy projects and sustainable endeavors throughout the desert Southwest. The founders of Sustainability include Ed Crosby, Ron Monat and Kim Kristoff, all local business professionals active in architecture, alternative energy development, commercial real estate brokerage and investment finance. We propose to build and operate through our various partner relationships a 200MW solar power generating farm on a 1,587 acre property located near Bowie and currently undeveloped.

As part of our Special Use application process in Cochise County we are required to contact adjoining neighbors and owners of properties adjacent to our proposed development of a solar power generating farm to be located in the Wilcox area on approximately 1,587 acres further described as Assessor Parcel Numbers (APN): 305-43-004D, 305-43-009B, 305-43-010, 305-43-012A and 305-43-012B fronting on Kansas Settlement Road. We are expecting to present our project proposal at the Special Use Public Hearing before the Planning and Zoning Commission on December 9th. You may want to attend and hear our proposal and offer your comments at that public hearing.

We are proposing to develop and operate a solar power generating farm of approximately 200 MW to be developed in 3 phases over a 3 to 7 year period. When completed the proposed solar power generating farm is expected to provide for the electrical energy needs of as many as 100,000 homes. To accomplish this task, we are proposing to use a state of the art technology of solar tracking parabolic reflective dishes which use mirrors in a concave bowl-like shape focused on a central point of each dish where a solar hot water electric generator called a Stirling engine quietly and efficiently converts heat energy from the sun to electric power which in turn is delivered through power controllers, switching equipment and power substations to local power transmission lines for electric service delivery to local communities and other

electric service providers in the region. The tracking parabolic dish is designed to follow the sun from sun up to sun down by an electric motorized and computer actuated tracking system and stands approximately 30 feet in height and approximately 28 feet in width on a central column. In this manner approximately 228 collectors may generate a single Mega Watt (MW) of electricity per annum. A 200 MW system of collectors would utilize approximately 45,600 individual collection units which are separated by a space from each other to allow walk-around access to each collector and total approximately 60 units per acre. This particular property would support approximately 760 acres of solar collectors and may allow for future expansion beyond the initial project need. This type of equipment has been proven in the last decade to be the most cost effective and energy efficient overall and the lowest water user on an order comparable to and less than a regular residential subdivision of single family homes on one acre lots. While there are several providers of similar solar power generating equipment including companies such as SES, Infinia and Titan Tracker among others, we have elected to design and engineer our project using the most environmentally beneficial system available and will rely upon the advice of our engineering team to design and specify the necessary solar system using one or more of these supplier technologies related to parabolic solar dish design.

The project will likely employ a small local operation and maintenance staff when it becomes operational in 3 to 5 years. The routine operation of a solar farm does not generate traffic, dust or noise and it provides local competitive power generation independent of long distance providers. All of the equipment is intended to be in operation for 30 years or more. It is our intention to maintain a 40 to 50 foot perimeter setback from the property perimeter and perhaps more depending upon the slope characteristics which vary over the entire available land area.

With any questions, please do not hesitate to contact me directly at Ph: 602-315-8368 or c/o Sustainability Development at Suite 120, 3508 N. 7th Street, Phoenix, Arizona 85014

Please note that an informal neighborhood meeting and informational session; not a public hearing will be held at the Sunsites Senior Community Center on Monday October 19th at 4:00 PM and last for about 1 hour. We are looking forward to meeting our neighbors and answering your questions.

Regards,
Sustainability Development

Kim C. Kristoff
Managing Member
3508 N. 7th Street, Suite 120

Phoenix, Arizona 85014

Ph: 602-315-8368

e-mail: kristoff@mercdevelopment.com

Regards,

Kim

Sustainability®

Kim C. Kristoff
3508 N. 7th Street
Phoenix, AZ 85014
ph 602.795.1902
fx 602.253.1965
cell 602.315.8368
kristoff@mercdevelopment.com
www.mercdevelopment.com

"Public Programs; Personal Service"
www.cochise.az.gov

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2010 CENSUS: IT'S IN OUR HANDS

From: Kim Kristoff [mailto:kristoff@mercdevelopment.com]
Sent: Wednesday, October 21, 2009 9:50 AM
To: Turisk, Mike
Subject: Willcox and Bowie Solar Power Generation Facilities

Mike,

Greetings!

The meeting with neighbors went especially well on Monday evening in Sunsites. Good questions and wholly supportive. Of the six invited I was very happy to have three show.

We have not yet received the mailing list for the now rescheduled Bowie School meeting now set for Tuesday the 27th. We realize that the County admin assistant that researches such files may be over subscribed. Is there anything we might do to help ourselves in that regard? Are we able to research the immediate neighbor's names and their addresses from the County land records and send the notices ourselves or must the list be prepared by the county staff?

During the last few days we have been making the rounds with local community leaders and other local power providers and trying to get to know the local turf. Thank you again for some of your suggestions. We talked to David Bane, Martin Bailey, Nancy-Gean Welker, Ernie Blanden and several others. I was quite surprised to find several callers were aware of the upcoming Bowie neighborhood meeting well before we have been able to send that notice out. We are very heartened to find strong local support for the concept of local solar power independence and specifically for our proposed projects.

We'll try to keep you informed as we move forward. Incidentally, I will be out of the country from the 31st to November 13th combining birthdays and our 20th wedding anniversary but will have phone and e-mail access of course.

Regards,

Kim

Sustainability®

Kim C. Kristoff
 3508 N. 7th Street
 Phoenix, AZ 85014
 ph 602.795.1902
 fx 602.253.1965
 cell 602.315.8368
kristoff@mercdevelopment.com
www.mercdevelopment.com

Oxbow (Willcox) Power Plant Facility

Willcox Area Neighbor Meeting Report

Mailings sent 10-06-09 to:

Robert & Carol Doberstein,
Robert & Tammy Lou Binkley,
David Greenberg
Bruce Forbes
Keith & Joan Wallace
Chase Farms
John McLoughlin & Associates
Bryan & Susan Whitfield
Dale & Donita Lincoln
L & E Farms

The meeting location was at the Sunsites Community Center in Sunsites, Arizona beginning at 4:00 PM. Present were:

Ken Wallace,
Dave Greenberg,
Robert Doberstein,

The meeting lasted for approximately 1 hour and 30 minutes. After an initial introduction to the various solar energy power generation technologies and specifically those that we are considering for application at the Oxbow (Willcox site) and individual introductions among those present we discussed the project schedule, major challenges that need to be overcome and issues related to area power transmission access; construction use of the major roadways including Kinsey and Baker Roads and the installation of fencing around the site; the height of the units and general site access during operation for maintenance from time to time. We provided pictures of the local land area, existing transmission systems, roadways and actual aerial photography of the topography together with a variety of competitive solar power generation technologies for discussion.

Specific Questions and Answers:

1. Ken Wallace asked whether we were using water for the project. We explained the probable water usage for mirror cleaning. All agreed that farming or residential uses would be far greater. Mr. Wallace was personally very supportive for the project. Mr. Wallace then asked about the nature of road use and how it might be maintained if our uses were heavy. We said that it was our intention to maintain the road as it is currently or improve it depending upon our use.
2. Dr. David Greenberg asked whether the project would be generating power locally or for outside the immediate region. We said that our primary purpose was to generate power locally for local needs. Everyone was in favor of local energy independence. Dr. Greenberg then asked about the nature of a single megawatt of power and how many homes it might provide for. We answered that our estimation was that a single megawatt would provide for the peak power

needs of about 500 homes and that the industry at large indicates that it would provide for 1,000 homes.

3. Robert Wallace asked whether we were putting a fence around the entire site and we said yes as phases are completed. He then mentioned the prevalence of tumbleweed and that there are larger animals which could jump the fence. We said that we would likely install a woven wire fence to 8 or 9 feet but not with Constantine wire (razor wire) on top. Mr. Wallace then asked about the timing of our project and we explained that likely ground breaking was more than a year away and probably the facility first phase was 3 years away. He then asked about power output issues and whether energy independence was possible. We said that in our opinion that the proposed solar facility made the prospect of local energy independence plausible and practical.

All of the attendees were extremely complimentary and supportive in our opinion.

Bowie Power Plant Facility

Bowie Area Neighbor Meeting Report

As of this submittal, the Bowie Neighbor Meeting has not taken place which is scheduled for Tuesday October 27th at the Bowie School Administration Building in Bowie, Arizona.

Mailings sent 10-23-09 to:

William & Melba Scott
Leo Campbell
Klump Ranches
Mark Wong
Bruce & Katherine Hartman
Matt Klump

Additional persons who have asked to attend the Tuesday meeting are Ernie Blanden and Nancy-Gean Welker

We will provide Neighbor comments and a final report of the Bowie meeting by Wednesday October 28th

Turisk, Mike

From: Wei Hioe [weihioe@yahoo.com]
Sent: Tuesday, November 24, 2009 5:33 PM
To: Turisk, Mike
Subject: RE: Docket SU-09-23

Hi Mike,

I support these projects. It would be good for the county, and provide us with clean energy.

Sincerely,

Wei

--- On Tue, 11/24/09, Turisk, Mike <MTurisk@cochise.az.gov> wrote:

From: Turisk, Mike <MTurisk@cochise.az.gov>
Subject: RE: Docket SU-09-23
To: "Wei Hioe" <weihioe@yahoo.com>
Date: Tuesday, November 24, 2009, 3:37 PM

Sincerely,

Michael Turisk, Senior Planner

Cochise County Planning Department
1415 Melody Lane, Building E

Bisbee, Arizona 85603
tel: 520.432.9240
fax: 520.432.9278
email: mturisk@cochise.az.gov

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11/30/2009

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**B & W Farms Inc.
5547 River Acres Drive
Bakersfield, CA 93308
(661) 393-2674 Office
(661) 393-2874 Fax**

11/30/09

**Cochise County Planning Department
1415 Melody Lane
Bisbee, Arizona 85603
Attn: Ms. Susan Buchan, Director**

Subject: Solar Energy Farm on 1587 Acres near Willcox, Arizona

To Whom It May Concern:

B & W Farms is located on approx 500 acres at the Northeast corner of Baker Road and South Miles Lane; adjoining and lying easterly of the proposed solar energy farm.

We are concerned about the following:

- 1. Groundwater Usage**
- 2. Road Access**
- 3. Adjoining Use**

We are concerned with an overuse of the limited groundwater by the Solar Energy Farm. B & W Farms is located upstream within the same drainage runoff basin as the solar energy farm and is dependant upon the same ground water to irrigate and harvest two year aphelia. Like most of the farming in the area, B & W Farms converted their irrigation system to the use of pivots to conserve the ground water. Others in the area are flooding their orchards and not even considering the ground water.

Reference is made to the Cochise County Planning Departments memorandum (Memo) addressed to the Planning and Zoning Commission dated May 28, 2009 for its June 10, 2009 meeting regarding Study Session – Solar Energy Systems and Solar Energy Power Plants. That memo states the Solar Energy Power Plants use a significant amount of water for cooling purposes. Because of the limited amount of ground water available, the amount of water withdrawn from the groundwater should not exceed normal farming needs for the same acreage.

B & W Farms extracts approximately 400 gallons per minute or 24,000 gallons per hour to irrigate the 500 acre farm during the eight month summer. Since the 1587 acre Solar Energy Farm is approximately three times the size, the amount of water it would extract from the ground water should be limited to approximately 72,000 gallons per hour for an eight month period.

Baker Road provides access to B & W Farms. Presently, Baker Road is a county maintained road from Kansas Settlement Road to South Cimmaron Road, the westerly boundary of the proposed Solar Energy Farm to South Miles Lane.

Since B & W Farms is bounded on the west by the Solar Energy Farm, on the South by Baker Road and on the North and East by State Range Land, we would ultimately like to have the same compatible use as the Solar Energy Farm.

B & W Farms Inc. feels that the Solar Energy Farm would be a benefit to the community at large, as well as providing an environmentally friendly source of energy provided the above water concerns are adequately addressed.

Sincerely,



**George Benton
President, Owner**

Turisk, Mike

From: Kim Kristoff [kristoff@mercdevelopment.com]
Sent: Monday, October 26, 2009 12:09 PM
To: Turisk, Mike
Subject: FW: Alternative systems being considered

Mike,

Perhaps a NIMBY by any other word. Bruce did not choose to be present with other neighbors and waited two weeks to contact me. His first sentence after a very coy "I think you are building on my land" was I don't want solar collectors next door because I think they are ugly." He does not live near the property himself. What do you do when they do not want to even discuss the issue? He called wanting to know the value of his land and whether I would purchase it.

Regards,

Kim

Sustainability®

Kim C. Kristoff
 3508 N. 7th Street
 Phoenix, AZ 85014
 ph 602.795.1902
 fx 602.253.1965
 cell 602.315.8368
kristoff@mercdevelopment.com
www.mercdevelopment.com

From: JBFORBES2000@aol.com [mailto:JBFORBES2000@aol.com]
Sent: Monday, October 26, 2009 5:27 AM
To: kristoff@mercdevelopment.com
Subject: Re: Alternative systems being considered

Hi Kim,

Thank you for the information.
 Although your plans may make good economic sense, they belong in an industrial or commercial zone.
 The equipment is very unattractive compared to farming, ranching or homes on 4 acres.
 I am sorry, I will have to oppose your plans so close to my property.
 The value of my property will suffer.
 If the other neighbors dont agree, maybe you would purchase my land.
 I own 480 acres.
 Thank you,
 Bruce
 J. BRUCE FORBES
 86 SW CENTURY DRIVE
 # 445
 BEND, OREGON 97702

10/26/2009

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Turisk, Mike

From: Dennis, Keith
Sent: Tuesday, October 27, 2009 10:16 AM
To: Turisk, Mike
Subject: FW: WILLCOX KIMZEY ROAD

From: JBFORBES2000@aol.com [mailto:JBFORBES2000@aol.com]
Posted At: Monday, October 26, 2009 7:11 PM
Posted To: Planning and Zoning
Conversation: WILLCOX KIMZEY ROAD
Subject: WILLCOX KIMZEY ROAD

Hi,

I have a neighbor wanting to do solar dishes for manufacturing and selling electricity on over 1000 acres.

This seems to be an industrial use, but they are calling it a farm.

Would a special permit be available for such a use in a zone of 4 acres per homesite?

I hope not.

My property is at the east end of Kimzey road. 480 acres .

Please let me know.

I want to oppose such a use in an area of agricultural, farming and ranching.

These dishes in such a large quantity and very dense are very offensive.

I appreciate your help,

Thank you,

Bruce

J. BRUCE FORBES
86 SW CENTURY DRIVE
445
BEND, OREGON 97702
541 815 7000

10/28/2009

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OPPOSITION TO SOLAR PROJECT docket SU-09-22

Cochise County Planning Department
1415 Melody Lane Building E
Bisbee, AZ 85603
520-432-9240
FAX 520-432-9278
Cochise County Senior Planner
mturisk@cochise.az.gov

Nov 27, 2009

ATTN Michael Turisk
Re Docket SU -09-22
Dear Mr Turisk,

I own 480 acres adjacent to the 1600 acre Solar project in Kansas Settlement adjacent to Kimzey and Bell ranch road applying for a special use permit.

This project will be immediately in front and adjacent to the south of my 480 acres. Currently I have beautiful views of the surrounding landscape, farms, ranches and mountains.

This Solar equipment will destroy the ambience of my property.

I find the appearance of this equipment and steel fencing very offensive. I have seen pictures and specifications of the equipment. I have spoken to the Applicant to make myself aware of what is being proposed.

It will severely devalue my property and make it almost impossible to sell in the future.

I plan to build a gentlemen's horse ranch with residence in the future.

This project will destroy my plans.

I strongly object to this project, so close to my property and in a neighborhood of nice ranches and farms.

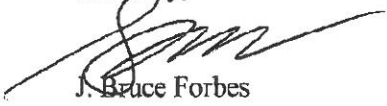
I sincerely hope this Solar project could be done in area that is not so close to farms, ranches and residences.

I know there is a lot of vacant land where Folks won't have to look at it daily.

My parcel numbers are as follows...305-43-011 and 305-43-002 each 240 acres.

Please DONOT approve this project in my vicinity.

Sincerely,



J. Bruce Forbes
Property owner

SPECIAL USE: Docket SU-09-22 (Sustainability Development)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons: _____



NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

SEE ATTACHED MAP + LETTER

(Attach additional sheets, if necessary)

PRINT NAME(S):

J BRUCE FORBES

SIGNATURE(S):

YOUR TAX PARCEL NUMBER: 305-43-011 (the eight-digit identification number found on the tax statement from the Assessor's Office)

305-43-002

YOUR ADDRESS 86 SW CENTURY DRIVE BEND, OREGON 97702

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on November 30, 2009 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the pubic hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Michael Turisk

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: mturisk@cochise.az.gov

Fax: (520) 432-9278

Turisk, Mike

From: Donita Lincoln [lincolnd@powerc.net]
Sent: Monday, November 30, 2009 5:12 PM
To: Turisk, Mike
Subject: Solar Power OPPOSITION

Dear Mr Turisk,
 Monday, November 30, 2009

Regarding our conversation of November 30, I and many family farmers in the Kansas Settlement area are very concerned with the Solar Power Project's water usage 24 hours a day 12 months a year. I have discovered that all thermal-based energy production technologies use heat to boil **water** and produce super heated steam. The steam then rotates a large turbine activating a generator that produces electricity. The steam is then cooled which gives off waste heat. This waste heat is then dissipated by **evaporating water from another source**. All but one of the proposed solar projects in Arizona use a parabolic-trough technology. Stated in a 2006 report prepared by the U.S. Department of Energy a solar parabolic trough plant uses 760 to 920 gallons of water per megawatt hour. That is 11,040 gallons per day per solar plant or 8,059,200 gallons of water per year, where as a coal fired plant only uses 110 to 300 gallons per megawatt hour. Is this the best use of the Sulfur Springs Valley's limited water resource? Because of the less than normal rainfall this year the City of Willcox had a difficult time maintaining the water level in the wildlife resource lake which is a yearly stop for migrating birds. What will happen to the annual flocks of birds that depend on the city lake if the solar project becomes a reality? The migrating birds also bring in a considerable amount of tourist dollars to Cochise County. If the birds go away so will those dollars. The water in Sulfur Springs Valley is a self contained aquifer with a finite supply. The water supply is only recharged by rain and snow that falls in this small valley. The farmers in this area have at their own expense employed water conservation methods on their farms to protect this important water resource. Collectively we farmers pump millions of dollars each year into the Cochise County economy. If this water supply is compromised it will undoubtedly put many, if not all, of the farmers out of business, thus, taking away all of those millions of dollars from the Cochise County economy. The farmer's concern is the source of the water that the Solar Power project will use. Will existing dormant water sources be reallocated to new use and/or would new wells be drilled? Either way the draw of water in the area would greatly increase. Thus putting a strain on the existing water supply.

Other concerns regarding the Solar Power Project is that once it is installed it effectively becomes a **permanent installation, with permanent impacts**. This contrasts with traditional energy development such as oil and gas or coal. Even though their impacts may be substantial during their operations they **do have finite lives**. The imposing impact of hundreds of acres of large solar panels in the Kansas Settlement area will undoubtedly effect the future salability of the surrounding real estate. Once again the solar project is affecting the economy and future growth of Cochise County. In addition, the high expectations of this much acclaimed clean, green alternative energy option may overshadow some concerns. One concern is that solar facilities require electrical transmission lines, which often are located on land providing habitat for plants and animals. The BLM federal agency in response to many of these stated concerns has announced that it would not accept any more applications for large scale solar projects on its western lands pending the completion of an Environmental Impact Statement. Shouldn't Cochise County also have the same concern as a federal agency.

In summation, it would be urged that Cochise County take a hard look at the immediate and permanent negative impacts that this Solar Power project will perpetrate upon the people, property, habitats and economy of Cochise County. Do not sell out the people who have been the backbone and driving force of this county for generations. Help us conserve our lifestyle, our water and our precious environment.

Dale Lincoln

Larry Essary
Owner of L&E Farms, LLC
P.O. Box 36
McNeal, AZ 85617

November 30, 2009

Michael Turisk, Senior Planner
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

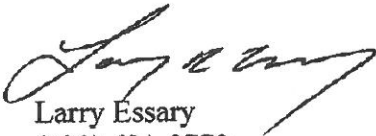
Dear Mr. Turisk,

I am an owner/operator of L&E Farms, LLC (parcel # 30574001) and we oppose the 1600 acre solar project near Kansas Settlement due to water requirements.

My research on this subject reveals that it takes 1000 gal/minute per 100 megawatts for cooling and cleaning. They are proposing a 200 megawatt facility. The average well on that property has an output of 600 gal/minute or less at a depth of 800-850 ft. The energy used to provide this amount of water would be substantial. The owner of this property was unsuccessful in his former endeavors on this land due to lack of water.

We are not against the production of solar power but you cannot deplete one natural resource in order to utilize another.

Sincerely,


Larry Essary
(520) 631-0779

11/30/09
Faxed & emailed (unsigned)
↓

mturisk@
cochise.az.gov

Turisk, Mike

From: Maureen Hudson [hmaureen89@yahoo.com]
Sent: Tuesday, December 01, 2009 9:46 AM
To: Turisk, Mike
Subject: Special Use: Docket SU-09-22

We do not support this request. We have multiple parcels in the area and have major concerns regarding resource use, property valuation, and future land use issues.

Marvin Hudson
President, Rancho Sacatal Inc.
PO Box 546
Willcox, AZ 85644



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan E. Buchan, Director

TO: Planning & Zoning Commission

FROM: Rick Corley, Zoning Administrator

FOR: Susan Buchan, Planning Director

DATE: December 2, 2009 for the December 9, 2009 Meeting

SUBJECT: Docket R-09-02, Planning and Zoning Department proposed Hazard Abatement Ordinance Amendment.

I. Background

Under ARS 11-268 the State legislature gives counties the authority to abate hazards, establish a payment schedule for property owner to reimburse the County for abatement expenses and place liens on properties to recoup County expenses when not voluntarily repaid by the owner(s). There has been a hazard abatement ordinance (Resolution 84-65) in effect in the County since October 19, 1984 and amended (Resolution 87-91), that ordinance allowed liens to be placed on properties that the County abated hazards, however liens have not routinely been placed on properties. On June 11th, 2009, the Board of Supervisors gave staff direction to update Resolution 87-91 to reflect current County staffing and policies, and to provide a systematic approach to recovering County funds via the lien process.

The attached draft accomplishes the following:

- The table of contents has been removed to match other ordinances.
- The definitions have been expanded from 2 to 18.
- Chapter 2 Enforcement and Chapter 3 Definitions have been reversed. It makes more sense to have the definition first.
- Wildcat Dumping and Hearing Examiner option have been added
- The Public Works Department no longer exists, and has been changed to the Planning Department. The Director of Public Works title no longer exists and has been changed to the Hazard Abatement Officer.
- The lien process will no longer be taken to the Board of Supervisors, but will be done thirty (30) days of such removal. The Hazard Abatement Officer shall supply the certified copies of the assessment to the Assessor and the County Treasurer who shall add the amount of the assessment levied against the parcel to the next regular tax bill for that parcel.
- Clarification of the document and the processes

II. Revisions to Hazard Abatement Ordinance Resolution 87-91

Chapter 1

Under (b) Scope: Gives the Arizona Revised Statute (A.R.S. § 11-268) that grants counties the authority for removal of rubbish, trash, weeds, filth, debris, and dilapidated buildings; violation; classification; removal by county; costs assessed; collection; priority of lien; definition.

Chapter 2

Is now DEFINITIONS instead of ENFORCEMENT

Added eighteen new definitions for clarity. The definitions chapter has been moved ahead the enforcement chapter for reader clarity.

Chapter 3

Is now ENFORCEMENT instead of DEFINITIONS.

Under GENERAL : Section 301. RIGHT OF ENTRY: Gives the Arizona Revised Statutes A.R.S. § 13-3912(5) that grants the authority for a search warrant.

WILDCAT DUMPING: Section 302. Has been added to clarify the difference between wildcat dumping and a hazard and moved BOARD OF APPEALS to Section 303

BOARD OF APPEALS: Section 303. In order to provide for final interpretation of the provisions of this ordinance and to hear appeals provided for hereunder, establishes a Board of Appeals ("the Board") consisting of the Board of Supervisors. The Board shall have discretion to adopt additional rules and regulations for conducting its business and shall render all decisions in writing to the appellant, with a copy to the Hazard Abatement Officer. Appeals to the Board shall be processed in accordance with the provisions contained in Chapter 5 of this ordinance. Copies of all rules or regulations adopted by the Board shall be delivered to the Hazard Abatement Officer who shall make them freely accessible to the public.

Chapter 4

REMOVAL BY COUNTY:

Section 403. Has been rewritten to include "provided, however, that if such removal or abatement is not undertaken within 180 day after the right to do so first accrues, a new Notice of Violation shall be served as provide in Section 402" and "The cost to be charged for such removal will be the actual cost of removal or abatement, and may include a ten percent (10%) charge for additional inspection and incidental costs. Said cost, if imposed against an owner of said real property, shall, if not paid within 30 days or timely appealed pursuant to Chapter 5 of this ordinance, constitute an assessment against the property upon recording thereof with the County Recorder." Changed the cost from 5% to 10% for additional inspection and incidental cost and changed it from will (mandatory) to may (discretionary), but also allows for a timely appeal.

Section 404. (A) PROCEDURE: Has been rewritten for clarification. (This was repeated in Chapter 7, Section 701 (a) PROCEDURE: and has now been deleted from chapter 7).

(b). COSTS: Previously in Chapter 7 Section 701 (b) Costs: moved and has been rewritten for

clarification. Previous Chapter 8 has now been renumbered to Chapter 7 and named "RECOVERY OF COST OF WORK OR REMOVAL" . Previously Chapter 7 was titled "ASSESSMENT PROCEDURE".

APPEAL:

Section 405. Has been rewritten for clarification.

RESTRICTIONS ON ENFORCEMENT:

Previously Section 406. has been deleted and is now defined under Chapter 2 DEFINITIONS "Occupant" and REVIEW OF HISTORIC VALUE, previously Section 407. is now Section 406.

REVIEW OF HISTORIC VALUE:

Section 406. The Board of Supervisors has been replaced by Hazard Abatement Officer who shall consult with the State Historic Preservation Office.

REMOVAL FROM TAX ROLLS:

Section 408. Has been moved up to Section 407. Has been rewritten and clarifies the Hazard Abatement Officer as the individual that shall notify the County Assessor.

Chapter 5

APPEAL

Section 501. (a) Has been rewritten for clarification.

Items 1. through 7. has been rewritten for clarification and compacted into four items.

The ninth paragraph has been rewritten for clarification.

(b) Has been rewritten for clarification and processing the appeal.

c) **SCHEDULING AND NOTICING APPEAL FOR HEARING:** As soon as practicable after receiving the written appeal, the Board of Appeals shall fix a date, time and place for the hearing of the appeal by the Board . Such date shall be not less than thirty (30) business days nor more than sixty (60) business days from the date the appeal was filed with the Hazard Abatement Officer. Written notice of the time and place of the hearing shall be given at least fifteen (15) business days prior to the date of the hearing to each appellant by the Clerk of the Board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

STAYING OF THE ORDER UNDER APPEAL:

Section 504. This has been rewritten for clarification and added to the end of the paragraph "unless it is determined by the Hazard Abatement Officer that the condition poses an immediate danger to life, limb, property or safety of the public or of an adjacent property."

COMMENTARY: The last sentence has been deleted as an independent advisory board was not created and the appeal process is in place.

DELEGATION TO HEARING EXAMINER:

Section 505. Has been added to give the Board of Supervisors an option to delegate the hearing of the appeal to an Hearing examiner, but shall not delegate any of the functions of the Clerk of the Board the section states "The Board of Supervisors, sitting as a Board of Appeals, shall have the discretion at any time to delegate the hearing of any appeal brought pursuant to this Ordinance to a duly appointed hearing examiner to conduct hearings and exercise authority of the Board under Chapter 6 of this Ordinance, as stated therein, but said hearing examiner shall not be delegated any of the functions of the Clerk of the Board thereunder."

Chapter 6

PROCEDURE FOR CONDUCT OF HEARING APPEALS

Section 601. (a) The wording has been changed to include the Hearing Examiner, if one is appointed.

(b) REPORTING:

The wording has been changed to clarify the process which states "(b) REPORTING: The proceedings at the hearing shall also be recorded if requested by any party thereto. A transcript of the proceedings shall be made available **by the Clerk of the Board** to any party upon request and upon payment in advance of the estimated cost of transcription and copying. Upon completion of transcripts, the actual cost of preparation shall be determined and, if more than the estimated cost, the requesting party shall pay the balance due prior to receiving the completed transcript; if the actual cost is less than the estimated cost, the balance shall be refunded to the requesting party. If one party orders a transcript of proceedings, other parties may obtain additional copies of that transcript for the reasonable cost of copying, as established by the Clerk of the Board."

(c) CONTINUANCES: The wording has been changed to include the Hearing Examiner, if one is appointed.

(D) OATHS: The wording has been changed to include the Hearing Examiner, if one is appointed.

(E) REASONABLE DISPATCH: The wording has been changed to include the Hearing Examiner, if one is appointed.

FORM OF NOTICE OF HEARING:

Section 602. Rewritten for clarification and to include the Hearing Examiner, if one is appointed and Clerk of the Board of Appeals.

SUBPOENAS:

Section 603. (a) FILING THE AFFIDAVIT: Rewritten for clarification and to include the Hearing Examiner, if one is appointed.

(b) PENALTIES: Rewritten for clarification and to include the Hearing Examiner, if one is appointed.

CONDUCT OF HEARING:

Section 604. (a) through (f) has been rewritten for clarification and combined into (a).

Section 604 (g) 1. OFFICIAL NOTICE: now (b) Rewritten for clarification.

2. Parties to be notified. and 3. Opportunity to refute. Have been combined as both state the same information and is now titled 2. Opportunity to refute. Or the Hearing Examiner, if one is appointed has been added.

4. Inspection of the premises. Moved to number 3, and rewritten for clarification and to include or the Hearing Examiner if one is appointed.

METHOD AND FORM OF DECISION:

Section 605. (a) Rewritten for clarification.

(b) FORM OF DECISION: Title changed to DECISION AFTER HEARING BEFORE BOARD and rewritten for clarification.

(c) PROPOSED DECISION BY HEARING EXAMINER: (Has been added) The Hearing Examiner shall, within 20 calendar days of the conclusion of the hearing, submit to the Board of Appeals a proposed written decision, with proposed findings of fact and conclusions of law. Within 20 calendar days of filing of the proposed decision, and after review of the written record, which shall include all pleadings and orders in the Hearing Examiner's files, all evidence admitted at the hearing, and any audiotape of proceedings, but no new evidence, the Board shall adopt, modify or reject the proposed decision of the Hearing Examiner.

(d) EFFECTIVE DATE OF DECISION: (was c) No change.

Chapter 7 PERFORMANCE OF WORK OR REMOVAL

Section 701. a) PROCEDURE: Moved to Chapter 4 Section 404 (a) PROCEDURE: and rewritten for clarification.

Section 701. (b) COSTS: Moved to Chapter 4 Section 404 (b) COSTS: and rewritten for clarification.

With the above changes chapter 7 has been deleted.

ASSESSMENT PROCEDURES; previously chapter 8, is now Chapter 7.

Chapter 8

ACCOUNT OF COST OF WORK OR REMOVAL

ACCOUNT OF EXPENSE, FILING OF REPORT - - CONTENTS:

Section 801, 802, 803, and 804 is now covered under Section 703 through 709 of this ordinance. If not paid within thirty (30) days of such removal or if appealed, within thirty (30) days of issuance of any written administrative decision on that appeal, such unpaid amount shall constitute an assessment upon the lots and tracts of land and a lien upon said lot, tracts, or land

until paid. The process will no longer be taken to the Board of Supervisors.

PERSONAL OBLIGATION OR SPECIAL ASSESSMENT:

Section 805. (a) and (b) Now chapter 7 ASSESSMENT PROCEDURE SECTION 701.
GENERAL: rewritten for clarification.

CONTEST:

Section 806. Now chapter 7 JUDICIAL APPEAL: section 702 rewritten for clarification.

ASSESSMENT AND LIENS FOR UNPAID COSTS & CHARGES—ESTABLISHMENT:

Section 807. Now chapter 7 Section 703. rewritten for clarification

Section 808. INTEREST: Now chapter 7 Section 704. no change.

REPORT TO ASSESSOR AND TAX COLLECTOR--ADDITION OF ASSESSMENT TO TAX BILL

Section 809. Now chapter 7 Section 705. TAX COLLECTOR changed to TREASURER and rewritten for clarification.

FILING COPY OF REPORT WITH COUNTY TREASURER:

Section 810. Now chapter 7 Section 706. rewritten for clarification.

COLLECTION OF ASSESSMENT – PENALTIES FOR FORECLOSURE:

Section 811. Now chapter 7 Section 707. no change.

USE OF PROCEEDS:

Section 812. Now chapter 7 Section 708. rewritten for clarification.

MULTIPLE ASSESSMENTS:

Section 813. Now chapter 7 Section 709. no change.

Chapter 9

VALIDITY

SEVERABILITY:

Section 901. Now chapter 8 Section 801. no change.

REPEAL OF CONFLICTING REGULATIONS:

Section 902. Now chapter 8 Section 802 rewritten for clarification.

EFFECTIVE DATE:

Section 903. Now chapter 8 Section 803 revised for current action.

III. Recommendation

Staff requests the Commission to forward the attached revisions of the Hazard Abatement Ordinance to the Board of Supervisors with a recommendation of approval.

Attachment: Proposed Hazard Abatement Ordinance



COCHISE COUNTY HAZARD ABATEMENT ORDINANCE

Cochise County Planning Department
1415 Melody Lane
Bisbee, AZ 85602

Adopted: 9/17/84
Revised: 9/08/87
Proposed Draft 12/02/09

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Chapter 1

TITLE AND SCOPE

TITLE:

Section 101. These regulations shall be known as the "Cochise County Hazard Abatement Ordinance"; and may be cited as such and will be referred to herein as "this ordinance".

PURPOSE AND SCOPE:

Section 102. (a) PURPOSE: It is the purpose of this ordinance to provide a just, equitable and practicable method to be cumulative with and in addition to, any other remedy of Cochise County, which may be otherwise available at law, whereby any rubbish, trash, weeds, (as narrowly defined under this ordinance), filth, debris or damaged and dilapidated buildings which constitute a hazard to public health and safety may be compelled to be removed from buildings, grounds, lots, contiguous sidewalks, streets and alleys, located within the unincorporated area of Cochise County.

(b) SCOPE: The provisions of this ordinance shall apply to all hazardous conditions as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction. It is enacted pursuant to authority granted by A.R.S. § 11-268. Commentaries contained herein are intended as a guide to interpreting and carrying out the text of this ordinance.

Chapter 2 (Now Chapter 3)

ENFORCEMENT

GENERAL:

Section 2301. (a) ADMINISTRATION: The position of ~~h~~Hazard ~~a~~Abatement ~~o~~Officer is hereby created, said officer being herein authorized to enforce the provisions of this ordinance.

(b) INSPECTIONS: ~~The A county Environmental h~~Health ~~o~~fficer~~Inspector~~, representative of fire district if one is established, ~~and or~~ the ~~h~~Hazard ~~a~~Abatement ~~o~~fficer ~~and or any of~~ their authorized representatives are hereby authorized to make such inspections as may be required to enforce the provisions of this ordinance. The Hazard Abatement Officer or his authorized representative may take such actions as may be required to carry out the provisions of this ~~O~~rdinance.

(c) RIGHT OF ENTRY: Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the ~~h~~Hazard ~~a~~Abatement ~~o~~fficer or his authorized representative has ~~reasonable~~ probable cause to believe that there exists in any building or upon any premises any condition which makes such buildings or premises unsafe, dangerous or hazardous, the ~~h~~Hazard ~~a~~Abatement ~~o~~fficer or his authorized representative may enter such buildings or premises at all reasonable times to inspect the same or to perform any duty imposed upon the ~~h~~Hazard ~~a~~Abatement ~~o~~fficer by this ordinance, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the ~~h~~Hazard ~~a~~Abatement ~~o~~fficer or his authorized representative shall have recourse to every remedy provided by law to secure entry.

When the ~~h~~Hazard ~~a~~Abatement ~~o~~fficer or his authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the hazard abatement officer or his authorized representative for the purpose of inspection and examination pursuant to this ordinance.

"Authorized representative" shall include the officers named in Section 201(b) and their authorized inspection personnel.

COMMENTARY: 1/ In order for the ~~h~~Hazard ~~a~~Abatement ~~e~~Officer (or his representative) to make an inspection, he must have "reasonable cause to believe" that there exists rubbish, trash, weeds, filth, or debris in or on a building or premises, or a dilapidated and dangerous building, which creates a condition which is unsafe, dangerous, or hazardous. Generally, the inspection will result from a complaint which he has received, or by observation of a condition that appears so dangerous that following up with an inspection is reasonable. It is not intended that the officer travel ~~all over~~ the county searching for hazardous conditions. Also, if the officer is not given permission by the owner to inspect, the officer must get a court warrant to inspect the property, and this requires him to make a showing of reasonable cause to the court.

WILDCAT DUMPING:

Section 302. Any person, firm or corporation that places any rubbish, trash, filth or debris upon any private or public property located in the unincorporated areas of the county not owned or under the control of the person, firm or corporation is guilty of a class 1 misdemeanor and, in addition to any fine which may be imposed for a violation of any provision of this section, is liable for all costs which may be assessed pursuant to this section for the removal of the rubbish, trash, filth or debris.

BOARD OF APPEALS:

Section ~~202~~303. In order to provide for final interpretation of the provisions of this ordinance and to hear appeals provided for hereunder, there is hereby established a Board of Appeals consisting of the Board of Supervisors. The Board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant, with a copy to the ~~h~~Hazard ~~a~~Abatement ~~e~~Officer. Appeals to the Board shall be processed in accordance with the provisions contained in Section 501 of this ordinance. Copies of all rules or regulations adopted by the Board shall be delivered to the ~~h~~Hazard ~~a~~Abatement ~~e~~Officer who shall make them freely accessible to the public.

1/ Commentaries serve as a guide in interpreting and carrying out the text of the ordinance.

Chapter 3 (Now Chapter 2)

DEFINITIONS

GENERAL:

Section 301. For the purpose of this ordinance, certain terms, phrases, words and their derivatives shall be construed as specified in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language Unabridged, copyright 1961, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the masculine.

"Abate": To end a nuisance, emergency, or nonconformance

"Abatement": Any action taken to reduce, relieve, or suppress another continuing action. A legal action taken to suppress the continuation of an offensive land use.

"Board of Appeals": The Board of Supervisors shall constitute the Board of Appeals for all appeals pursuant to this ordinance.

"Contiguous Sidewalks, Streets and Alleys": any sidewalk, street, or alley, public or private, adjacent to the edge or boundary, or touching on the edge or boundary, of any real property.

"County": The unincorporated areas of Cochise County.

"Debris": ~~The definition of debris in addition to its ordinary accepted meaning shall include a~~Accumulations of combustible or flammable materials which are determined by the ~~h~~Hazard ~~a~~Abatement ~~o~~Officer to constitute a hazard to public health or safety.

"Dilapidated Building": Any building in such disrepair, or damaged to such an extent, that its strength or stability is substantially less than a new building, or that is likely to burn or collapse, and the condition of which endangers the life, health safety, or property of the public as determined by the Hazard Abatement Officer.

"Grounds": Any private or public land, vacant or improved.

"Hazard Abatement Officer": The Director of the Planning Department or his/her designated representative.

"Lessee": A person who has the right to possess real property pursuant to a lease, rental agreement, or similar instrument.

"Lots": Any plot or quantity of land, vacant or improved, private or public, as surveyed, platted or apportioned for sale or any other purpose.

"Occupant": A person who has the actual use, possession, or control of real property. This term does not include any corporation or association operating or maintaining right-of-way for and on behalf of the United States government, either under contract or federal law.

"Owner": A person who is a record owner of real property as shown in the public records in the office of the Cochise County Recorder, and includes a person holding equitable title under a recorded installments sales contract, contract for deed or similar instrument.

"Person": An individual, partnership, corporation, association, trust, state, municipality, political subdivision, or any other entity that is legally capable of owning, leasing, or otherwise possessing real property.

"Public Nuisance": A dilapidated building or an accumulation of rubbish, trash, weeds, filth, or debris that constitutes a hazard to the public health and safety as determined by the Hazard Abatement Officer.

"Real Property": Buildings, grounds, or lots, as well as contiguous sidewalks, streets, and alleys, located in the county.

"Weeds": Any vegetation that impedes emergency vehicle access, constitutes a fire hazard or interferes with the line of sight of vehicles on roadways.

"Wildcat dumping": The unauthorized placement, or transportation for placement, by a person, firm or corporation, of any rubbish, trash, weeds, filth or debris upon any private or public property located in the unincorporated areas of the county not owned or under the control of that person, firm or corporation.

Chapter 4

REMOVAL OF RUBBISH, TRASH, FILTH, WEEDS, DEBRIS OR DILAPIDATED AND DANGEROUS BUILDINGS

REQUIREMENT FOR REMOVAL:

Section 401. When rubbish, trash, weeds, filth or debris, are accumulated on or in buildings, grounds, lots, contiguous sidewalks, streets or alleys and the ~~h~~Hazard ~~a~~Abatement ~~e~~Officer determines that the accumulation or condition constitutes a hazard to public health and safety, or if the ~~h~~Hazard ~~a~~Abatement ~~e~~Officer determines that a dilapidated and dangerous building constitutes a hazard to public health or safety, the ~~h~~Hazard ~~a~~Abatement ~~e~~Officer may require the owner, lessee or occupant of buildings, grounds or lots located in unincorporated areas of the County to remove such rubbish, trash, weeds, filth, debris or dilapidated and dangerous building.

NOTICE OF VIOLATION:

Section 402. The ~~h~~Hazard ~~a~~Abatement ~~e~~Officer shall provide formal written notice of the alleged violation to the owner, occupant or lessee of the subject premises not less than thirty (30) days prior to the date set for compliance. Such notice shall include the estimated cost to the County to remove, and advise the owner, occupant or lessee that if the ~~e~~County removes the rubbish, trash, weeds, filth, debris or dilapidated and dangerous building, said expense shall be assessed to said owner, occupant or lessee. Said notice shall be either personally served or mailed to the owner, occupant or lessee at his last known address by certified mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on the property, a duplicate notice shall also be sent to the owner at the owner's last known address.

REMOVAL BY COUNTY:

Section 403. If, after notice, and after the specified date of compliance, the owner, occupant or lessee fails to remove the rubbish, trash, weeds, filth, debris or dilapidated and dangerous building, and abate the conditions which constitute a hazard to public health and safety, the County may, at the expense of the owner, occupant or lessee, remove or cause removal of such trash, weeds, filth, debris or dilapidated and dangerous building; however, if such removal or abatement is not undertaken within 180 days after the right to do so first accrues, a new Notice of Violation shall be served as provided in Section 402. The cost to be charged for such removal will be the actual cost

of removal or abatement, including a ~~five percent (5%)~~ ten percent (10%) -charge for additional inspection and incidental costs. Said cost, if imposed against an owner of said real property, shall, if not paid within 30 thirty days or timely appealed pursuant to Chapter 5 of this ordinance, constitute an assessment against the property upon recording thereof with the County Recorder.

ASSESSMENT OF COSTS OF REMOVAL:

~~Section 404. The cost of removal of the rubbish, trash, weeds, filth, debris or dilapidated and dangerous building from any lot or tract of land located in the unincorporated areas of the County may be assessed, as set forth in Chapter 8 of this Ordinance, upon the lot or tract of land from which the rubbish, trash, weeds, filth, debris or dilapidated and dangerous buildings are removed. The assessment, from the date of its recording in the Office of the County Recorder, shall be a lien on the lot or tract of land, until paid.~~ (a) PROCEDURE: When any work or removal is to be done pursuant to this ordinance, the Hazard Abatement Officer shall issue his order therefore to the Planning Director and the work shall be accomplished by personnel of this jurisdiction, by intergovernmental agreement with one or more other jurisdictions, or by private contract under the direction of said Director. Plans and specifications therefore may be prepared by said director, or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard county contractual procedures shall be followed.

(b) COSTS: The cost of such work may be made a special assessment against the property involved as in the manner set forth in Section 703 through 709 of this ordinance, or may be made a personal obligation of the property owner, occupant or lessee, whichever the Board of Appeals shall determine is appropriate. If made a special assessment, said assessment shall, from the date of recording in the Office of the County Recorder, be a lien on the lot or tract of land until paid.

APPEAL:

Section 405. Both the notice of violation provided under Section 402 of this ordinance and/or the amount of any charge or assessment imposed determined pursuant to this chapter Section 403 of this ordinance, may be appealed to the Board of Appeals in the manner provided in Chapter 5 of this Ordinance.

RESTRICTIONS ON ENFORCEMENT:

~~Section 406. As used in this chapter, "occupant" does not include any corporation or association operating or maintaining rights of way for and on behalf of the United States Government, either under contract or under federal law.~~

RESTRICTION ON ENFORCEMENT removed and defined under Chapter 2
Definition Occupant^[1]

REVIEW OF HISTORIC VALUE:

Section 407~~6~~. Before the removal of a dilapidated and dangerous building the ~~Board of Supervisors~~ Hazard Abatement Officer shall consult with the State Historic Preservation Office to determine if the building is of historic value. If said building is found to be of historic value, the Hazard Abatement Officer shall work with SHPO to minimize damage or loss of any historic building fabric during abatement.

REMOVAL FROM TAX ROLLS:

Section 408~~7~~. If a ~~the~~ eCounty removes or arranges for the removal of a dilapidated and dangerous building pursuant to this section, the County Assessor ~~Hazard Abatement Officer~~ shall notify the County Assessor, and the county Assessor shall remove the structure from the property assessment tax rolls.

COMENTARY: This chapter is intended to provide a way to remove rubbish, trash, weeds, filth, debris, or dilapidated and dangerous buildings that present a real danger to persons or property. This primarily occurs in three cases: (1) accumulations or conditions which have a strong potential for causing or carrying a fire; (2) accumulations or conditions likely to cause injury to any person; and (3) accumulations or conditions likely to cause hazards to the health of any person. A.R.S. §36-601 provides a separate and additional ordinance and remedy to deal with accumulations that can cause disease or other health problems.

While this chapter deals with situations caused by the occupant of the property, it also deals with involuntary acts of dumping by other persons or acts of nature.

However, this section shall only be enforced when the condition is serious enough to present a real hazard to persons or property. It is not intended to apply as an "aesthetic" control – that is, a way to get the county to beautify a neighbor's site.

Chapter 5

APPEAL

GENERAL:

Section 501. (a) FORM OF APPEAL: An owner, occupant or lessee of property affected may appeal from the terms of any notice issued pursuant to Sections 402 or 403~~and order or any action of the hazard abatement officer under this ordinance, or any assessment made pursuant to of this Ordinance, by filing with at the office of the h~~ Hazard a~~Abatement e~~Officer a written appeal containing:

1. A heading in the words: "Before the Board of Appeals of the County of Coehise".

2. A caption reading: "Appeal of _____", giving the names of all appellants participating in the appeal."

31. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order and the location of that property;

42. A brief statement in ordinary and concise language of the specific order or action protested, the reason why it is claimed the protested order or action should be reversed, modified, or set aside, or, if an appeal of a notice issued pursuant to Section 403, why an assessment should not be imposed, or should be amended, together with any material facts claimed to support the contentions of the appellant, any relevant supporting documentation attached thereto, and the relief sought; and may also include proposed findings of fact and conclusions of law for the Board to adopt;

5. A brief statement in ordinary and concise language of the relief sought and the reason why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

63. The signatures of all parties named as appellants and their official mailing addresses.

74. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed with the Hazard Abatement Officer within thirty (30) days from the date of the service of such notice provided by Section 402 or the determination issued pursuant to Section 403; provided, however, that if said notice

alleges that the condition is such as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property, such appeal shall be filed within ten (10) days from the date of the service of the notice. order or action of the hazard abatement officer; provided, however, that if the condition is such as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property, such appeal shall be filed within ten (10) days from the date of the service of the notice and order of the hazard abatement officer.

(b) PROCESSING OF APPEAL: Upon receipt of any appeal filed pursuant to this section, the ~~h~~Hazard ~~a~~Abatement ~~o~~Officer shall date stamp the appeal and forward a copy of the appeal to the Clerk of the Board of Supervisors for scheduling. The Hazard Abatement Officer shall file with the Board and mail by first class mail to the appellant(s)

an Answer to the Appeal, together with any relevant supporting documentation and proposed findings of fact and conclusions of law at least ten (10) days before the hearing, present it at the next regular or special meeting of the Board of Appeals.

(c) SCHEDULING AND NOTICING APPEAL FOR HEARING: As soon as practicable after receiving the written appeal, the Board of Appeals shall fix a date, time and place for the hearing of the appeal by the Board. Such date shall be not less than ~~ten~~ (10) thirty (30) days nor more than sixty (60) business days from the date the appeal was filed with the ~~Hazard Abatement~~ Officer. Written notice of the time and place of the hearing shall be given at least ~~ten~~ (10) fifteen (15) business days prior to the date of the hearing to each appellant by the ~~secretary~~ Clerk of the Board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

EFFECT OF FAILURE TO APPEAL:

Section 502. Failure of any person to file an appeal in accordance with the provisions of Section 501 shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order or any portion thereof.

SCOPE OF HEARING ON APPEAL:

Section 503. Only those matters or issues specifically raised by the appellant, in the written appeal, as filed, and defenses thereto, shall be considered in the hearing of the appeal.

STAYING OF ORDER UNDER APPEAL:

Section 504. Enforcement of any notice or determination that is under appeal and order of the hazard abatement officer issued under this code shall be stayed during the pendency of an appeal, if that appeal is timely filed, unless it is determined by the Hazard Abatement Officer that the condition poses an immediate danger to life, limb, property or safety of the public or of an adjacent property, therefrom which is properly and timely filed.

COMMENTARY: A detailed appeal process is provided. ~~Owner/occupant~~ Owner, occupant and/or lessee can challenge a decision of the hazard abatement officer to the Board of Supervisors. The Board will look carefully at the facts to see if the accumulation of rubbish, trash, filth, weeds, and debris, or dilapidated and dangerous building, is truly a hazard to public health or safety. In short, every protection is given to the property owner. ~~There is a separate process to allow the property owner a right to challenge an interpretation by the hazard abatement officer to an independent~~

~~advisory board.~~

DELEGATION TO HEARING EXAMINER:

Section 505. The Board of Supervisors, sitting as a Board of Appeals, shall have the discretion at any time to delegate the hearing of any appeal brought pursuant to this Ordinance to a duly appointed hearing examiner to conduct hearings and exercise authority of the Board under Chapter 6 of this Ordinance, as stated therein, but said hearing examiner shall not be delegated any of the functions of the Clerk of the Board thereunder.

Chapter 6

PROCEDURE FOR CONDUCT OF HEARING APPEALS

GENERAL:

Section 601. (a) RECORD: A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the Board or the Hearing Examiner, if one is appointed to hear the appeal.

(b) REPORTING: The proceedings at the hearing shall also be recorded reported ~~by a phonographic reporter if requested by any party thereto.~~ A transcript of the proceedings shall be made available by the Clerk of the Board to all any parties upon request and upon payment in advance of the estimated cost of transcription and copying of the fee prescribed therefore. Such fees may be established by the Board, but shall in no event be greater than the cost involved. Upon completion of transcripts, the actual cost of preparation shall be determined and, if more than the estimated cost, the requesting party shall pay the balance due prior to receiving the completed transcript; if the actual cost is less than the estimated cost, the balance shall be refunded to the requesting party. If one party orders a transcript of proceedings, other parties may obtain additional copies of that transcript for the reasonable cost of copying, as established by the Clerk of the Board.

(c) CONTINUANCES: The Board or the Hearing Examiner, if one is appointed, may grant continuances for good case shown.

(d) OATHS – CERTIFICATION: In any proceedings under this chapter, the Board, any board member, or the Hearing Examiner, if one is appointed, has the power to administer oaths and affirmations and to certify to official acts.

(e) REASONABLE DISPATCH: The Board and its representatives, or the Hearing Examiner, if one is appointed, shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

FORM OF NOTICE OF HEARING:

Section 602. The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before the Board of Appeals (or before a Hearing Examiner appointed by the Board of Appeals) at _____ on the _____ day of _____, 1920__, at the hour of _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. If you are going to be represented by counsel, written notice of that representation must be filed with the Clerk of the Board of Supervisors at least five (5) business days prior to the hearing. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefore with the Clerk of the Board of Appeals."

SUBPOENAS:

Section 603. (a) FILING OF AFFIDAVIT: The Board, or the Hearing Examiner, if one is appointed, may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request ~~of a member of the Board, or the Hearing Examiner, if one is appointed,~~ or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefore, at least fifteen (15) business days prior to the date of the hearing, which states the name and address of the proposed witness; specified the exact things items sought to be produced and stating, in detail, the materiality thereof to matters at issue in the appeal in detail to the issues involved; and stating es that the witness has the desired things items in his or her possession or ~~under his control~~. A subpoena need not be issued when the affidavit is defective in any particular aspect.

(b) PENALTIES: When any person refuses without lawful adequate cause or excuse to attend any hearing or to produce material evidence in his possession or under his control as required by any subpoena served upon such person as provided for herein, the Board, or the Hearing Examiner, if one is appointed, may seek a court order to compel such attendance or production.

CONDUCT OF HEARING:

~~Section 604. (a) RULES: Hearings need not be conducted according to the technical rules relating to evidence and witnesses. Hearings may be conducted in an informal manner and without strict adherence to the rules of evidence required in judicial proceedings. Neither the manner of conducting the hearing nor the failure to adhere to the rules of evidence required in judicial proceedings shall be grounds for reversing any administrative decision or order, providing that the evidence supporting such decision or order is substantial, reliable, and probative. Irrelevant or unduly repetitious evidence shall be excluded. Every person who is a party to such proceeding shall have the right to be represented by counsel, to submit evidence in open hearing and shall have the right of cross-examination. Any attorney appearing on behalf of any party shall enter his appearance, in writing and addressed to the Clerk of the Board, at least five (5) business days prior to the hearing.~~

~~(b) ORAL EVIDENCE: Oral evidence shall be taken only on oath or affirmation.~~

~~(b) OFFICIAL NOTICE:~~

~~1. What may be noticed: In reaching a decision, official notice may be taken, either before or after submission of the case decision, of any fact which may be judicially noticed by the courts of this state; of official records of the Board or of any County government departments; of ordinances of the County or of rules and regulations promulgated by the Board, sitting as a Board of Supervisors.~~

~~(c) HEARSAY EVIDENCE: Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this case.~~

~~(d) ADMISSIBILITY OF EVIDENCE: Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.~~

~~(e) EXCLUSION OF EVIDENCE: Irrelevant and unduly repetitious evidence shall be excluded.~~

~~(f) RIGHTS OF PARTIES: Each party shall have these rights, among others:~~

~~1. To call and examine witnesses on any matter relevant to the issues of the hearing;~~

- ~~_____ 2. To introduce documentary and physical evidence;~~
- ~~_____ 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;~~
- ~~_____ 4. To impeach any witness regardless of which party first called him to testify;~~
- ~~_____ 5. To rebut the evidence against him; and~~
- ~~_____ 6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.~~

~~_____ (g) OFFICIAL NOTICE:~~

~~_____ 1. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Board or departments and ordinances of the County or rules and regulations of the Board.~~

~~_____ 2. Parties to be notified. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board of Appeals.~~

~~_____ 32. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board of Appeals, or the Hearing Examiner, if one is appointed.~~

~~_____ 43. Inspection of the premises. The Board, or the Hearing Examiner, if one is appointed, may inspect any building or premises involved in the appeal during the course of the hearing, provided that: (i) notice of such inspection is publicly noticed in compliance with the Arizona Open Meeting Law, where so required; shall be given to the parties before the inspection is made; (ii) notice of such inspection shall be given to the parties before are given an opportunity to be present during the inspection is made; and (iii) the Board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board; the parties are given an opportunity to be present during the inspection; and (iv) the Board, or the Hearing Examiner, if one is appointed, shall state for the record upon completion of the inspection the material facts observed and the conclusion drawn there from. Each party then shall have a right to rebut or explain the matters so stated by the Board.~~

METHOD AND FORM OF DECISION:

Section 605. (a) ~~HEARING BEFORE BOARD ITSELF EVIDENCE~~: Where a contested case is heard before the Board, ~~no any~~ member thereof who did not hear the evidence or ~~did not have the opportunity~~ ~~has not to~~ read the entire record of the proceedings shall not vote on or take part in the decision.

(b) ~~FORM OF DECISION~~ DECISION AFTER HEARING BEFORE BOARD: The decision shall be issued in writing within sixty (60) calendar days of the conclusion of the hearing, unless extraordinary circumstances intervene, and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with; and may provide that, if unpaid within thirty (30) calendar days ~~A copy of the decision,~~ that decision shall be filed with the County Recorder and thereby constitute an assessment against the subject property, delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.

(c) PROPOSED DECISION BY HEARING EXAMINER: The Hearing Examiner shall, within 20 calendar days of the conclusion of the hearing, submit to the Board of Appeals a proposed written decision, with proposed findings of fact and conclusions of law. Within 20 calendar days of filing of the proposed decision and after review of the written record, which shall include all pleadings and orders in the Hearing Examiner's files, all evidence admitted at the hearing, and any audiotape of proceedings, but no new evidence, the Board shall adopt, modify or reject the proposed decision of the Hearing Examiner.

(e)(d) EFFECTIVE DATE OF DECISION: The effective date of the decision shall be as stated therein.

Chapter 7

~~PERFORMANCE OF WORK OR REMOVAL~~

GENERAL:

Section 701. (a) ~~PROCEDURE~~: When any work or removal is to be done pursuant to this ordinance, the hazard abatement officer shall issue his order therefore to the director of public works and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of said director. Plans and specifications therefore may be prepared by said director, or he may employ such architectural and engineering assistance on a contract basis as he may, deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed. Moved to Chapter 4, Section 404
(a) PROCEDURE: and rewritten for clarification.^[r2]

~~—— (b) COSTS: The cost of such work shall be made a special assessment against the property involved as in the manner set forth in Section 808 through 813 of this ordinance, or may be made a personal obligation of the property owner, whichever the Board of Supervisors shall determine is appropriate. Moved to Chapter 4, Section 404 (b) COSTS; and rewritten for clarification.~~[r3]:

~~With the above changes Chapter 7 has been deleted and Chapter 8 is now Chapter 7.~~[r4]

Chapter 8

RECOVERY OF COST OF WORK OR REMOVAL ASSESSMENT PROCEDURE

ACCOUNT OF EXPENSE, FILING OF REPORT — CONTENTS:

~~—— Section 801. The director of public works shall keep an itemized account of the expense incurred by Cochise County in the work or removal of any materials, done pursuant to the provisions of this ordinance. Upon the completion of the work or removal, said director shall prepare and file with the hazard abatement officer a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the hazard is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 402.~~

REPORT TRANSMITTED TO BOARD OF SUPERVISORS — SET FOR HEARING:

~~—— Section 802. Upon receipt of said report, the hazard abatement officer shall present it to the Board of Supervisors who shall fix a time, date and place for hearing said report and any protests or objections thereto. The clerk of the Board of Supervisors shall cause notice and said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as his name and address appear on the last equalized assessment roll of the County, if such so appear, or as known to the clerk. Such notice shall be given at least ten (10) days prior to the date set for hearing and shall specify the day, hour and place when the Board of Supervisors will hear and pass upon the director's report, together with any objections or protests which may be filed as hereinafter provided by person interested in or affected by the proposed charge.~~

PROTESTS AND OBJECTIONS — HOW MADE

~~—— Section 803. Any person interested in or affected by the proposed charge may file written protests or objections with the clerk of the Board of Supervisors at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The clerk of the Board of~~

~~Supervisors shall endorse on every such protest or objection the date it was received by him. He shall present such protests or objections to the Board of Supervisors at the time set for the hearing, and no other protests or objections shall be considered.~~

~~HEARING OF PROTESTS:~~

~~Section 804. Upon the day and hour fixed for the hearing the Board of Supervisors shall hear and pass upon the report of the director together with any such objections or protests. The Board of Supervisors may take such revision, correction or modification in the report or the charge as it may deem just; and when the Board of Supervisors is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the Board of Supervisors on the report and the charge, and on all protest or objections, shall be final and conclusive.~~

Chapter 8, Section 801, 802, 803 and 804 is now covered under Chapter 7, Section 703 through 709 of this ordinance. If not paid within thirty (30) days of such removal or if appealed, within thirty (30) days of issuance of any written administrative decision on that appeal, such unpaid amount shall constitute an assessment upon the lots and tracts of land and a lien upon said lot, tracts, or land until paid. The process will no longer be taken to the Board of Supervisors. [r5]

~~PERSONAL OBLIGATION OR SPECIAL ASSESSMENT:~~

~~Section 805701. (a) GENERAL: The Board of Supervisors of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved, in the manner set forth in Section 807 through 813 of this ordinance. If no timely appeal is taken pursuant to Chapter 5 of this ordinance from a determination of costs imposed against a property owner pursuant to Section 403, or if a written decision issued pursuant to Section 605(b) or (c) so requires, the Hazard Abatement Officer shall file that determination or decision with the County Recorder, and by that filing an assessment against the subject property shall be established. *Section 805 (a) and (b) Now chapter 7, ASSESSMENT PROCEDURE SECTION 701. GENERAL: rewritten for clarification.* [r6]~~

~~(b) PERSONAL OBLIGATION: If the Board of Supervisors of this jurisdiction orders that the charge shall be a personal obligation of the property, it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.~~

~~CONTEST: JUDICIAL APPEAL:~~

~~Section 806702. The validity of any assessment made under the provisions of this chapter shall not be contested in any further judicial action or proceeding unless the same is commenced within thirty (30) days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within thirty (30) days after this entry of such judgment. an administrative appeal has been timely brought pursuant to Chapter 5 of this ordinance, and said appeal rights have been exhausted.~~

ASSESSMENT AND LIENS FOR UNPAID COSTS & CHARGES -- ESTABLISHMENT:

~~Section 807703. If any costs or charges, as imposed pursuant to this ordinance, are not paid by the owner, occupant or lessee within thirty (30) days of such removal, or, if appealed, within thirty (30) days of issuance of any written administrative decision on that appeal, such unpaid amount shall constitute an assessment upon the lots and tracts of land from which the rubbish, trash, weeds, filth or debris are removed and a lien upon said lot, tracts, or land until paid. Said lien may be perfected by the county against the subject property by recording a notice of lien in the Office of the Cochise County Recorder. Such notice of lien shall specify the nature of assessment, the amount of the lien and the name and address of the owner of the lot or tract and the person failing to pay the charges assessed. The lien shall continue in full force and effect on the tract of land or lot until the charges assessed are paid. Such liens are subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. The County may bring an action to enforce the lien in the Cochise County Superior Court at any time after the recording of the assessment, but failure to enforce the lien by such action does not affect its validity. The recorded assessment is prima facie evidence that the truth of all matters recited in the assessment and of the regularity of all proceedings before the recording of the assessment. Said assessments shall be due and payable in equal installments, as follows:~~

- ~~1. Assessments of less than five hundred dollars (\$500.00) shall be paid within one year after the assessment is recorded;~~
- ~~2. Assessments of five hundred dollars (\$500.00) or more but less than one thousand dollars (\$1,000.00) shall be paid within two years after the assessment is recorded;~~
- ~~3. Assessments of one thousand dollars (\$1,000.00) or more but less than five thousand dollars (\$5,000.00) shall be paid within three years after the assessment is recorded;~~
- ~~4. Assessments of five thousand dollars (\$5,000.00) or more but less than ten thousand dollars (\$10,000.00) shall be paid within six years after the assessment is recorded;~~

5. Assessments of ten thousand dollars (\$10,000.00) or more shall be paid within ten years after the assessment is recorded.

A lien may be perfected by the county against the subject property in the amount of the assessment imposed by recording a notice of lien in the Office of the Cochise County Recorder. Such notice of lien shall specify the nature of assessment, the amount of the lien and the name and address of the owner of the lot or tract and the person failing to pay the charges assessed. The lien shall continue in full force and effect on the tract of land or lot until the charges assessed are paid. Such liens are subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. The county may bring an action to enforce the lien in the Cochise County Superior Court at any time after the recording of the assessment, but failure to enforce the lien by such action does not affect its validity. The recorded assessment is prima facie evidence of the truth of all matters recited in the assessment and of the regularity of all proceedings before the recording of the assessment.

INTEREST:

Section ~~808.704~~ 704. All such assessments remaining unpaid after thirty (30) days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate established for delinquent taxes from and after said date.

REPORT TO ASSESSOR AND TAX COLLECTOR – ADDITION OF ASSESSMENT TO TAX BILL:

Section ~~809705~~ 705. The Hazard Abatement Officer shall supply After confirmation of the report, certified copies of the assessment shall be given to the Assessor and the County Treasurer, who shall add the amount of the assessment to the next regular tax bill levied against the parcel to the next regular tax bill for the parcel, in accordance with the schedule of assessments provide in Section 703 above.

FILING COPY OF REPORT WITH COUNTY TREASURER:

Section ~~810706~~ 706. If the County Assessor and the county tax collector assess property and collect taxes for this jurisdiction, a A certified copy of the assessment shall be filed by the Hazard Abatement Officer with the County Treasurer within thirty (30) days after recordation of the lien. The descriptions of the parcels reported shall be those used for the same parcels on the County Assessors map book for the current year.

COLLECTION OF ASSESSMENT -- PENALTIES FOR FORCLOSURE:

Section ~~811~~707. The amount of the assessment shall be collected at the same time and in the same manner as ordinary property taxes are collected and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

USE OF PROCEEDS:

Section ~~812~~708. All money recovered by payment of the charge or assessment or from the sale of the property at ~~foreclosure~~ a tax deed land sale, up to the amount of the assessment, shall be paid to the treasurer of this ~~e~~County, who shall credit the same to the ~~General Fund~~ Hazard Abatement Fund. In the event of a sale, the balance of any funds received in excess of the assessment shall be paid to the County General Fund.

MULTIPLE ASSESSMENTS:

Section ~~813~~709. A prior assessment for the purpose provided in this section is not a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

Chapter 98

VALIDITY

SEVERABILITY:

Section ~~901~~801. The various parts of this Hazard Abatement Ordinance are hereby declared to be severable. If any Chapter, section, subsection, sentence, clause, phrase or word of this Hazard Abatement Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of said Hazard Abatement Ordinance.

REPEAL OF CONFLICTING REGULATIONS:

Section ~~902~~802. All existing regulations or ordinances or a portion of some in conflict with the provisions of this Hazard Abatement Ordinance, inconsistent with the provision of this Hazard Abatement Ordinance, are hereby repealed to the extent

necessary to give this Hazard Abatement Officer full force and effect. All previous editions of the Hazard Abatement Ordinance are hereby repealed.

EFFECTIVE DATE:

Section ~~903803~~. This Hazard Abatement Ordinance shall become effective beginning _____, thirty (30) days after it is approved and adopted by the Board of Supervisors and shall remain in full force and effect thereafter.

APPROVED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS THIS _____ DAY OF _____, ~~1987~~2010.

Chairman

Ann English~~V.L. Thompson,~~

~~Member~~ Vice Chairman

Richard Searle~~Judith A. Gignae,~~

Member

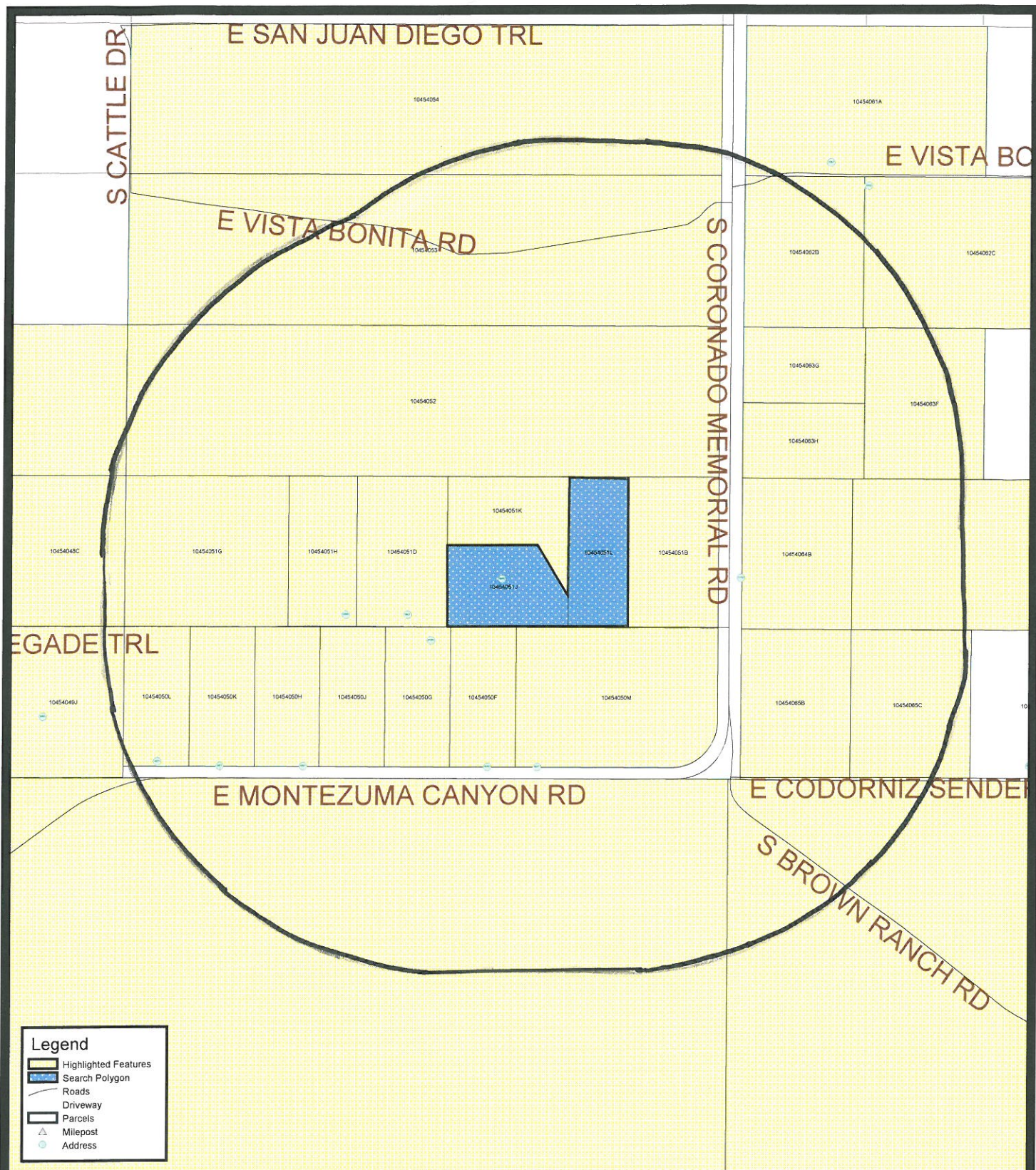
Patrick Call,

ATTEST:

Katie Howard,
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Adam Ambrose
Deputy County Attorney



SU-09-21
 Hatfield
 104-54-051J & L
 1500' Buffer

This map is a product of the
 Cochise County GIS





COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Planner II
For: Susan Buchan, Planning Director
SUBJECT: Docket SU-09-21 (Hatfield)
DATE: November 25, 2009, for the December 9, 2009 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant seeks a Special Use Permit to expand an existing Bed and Breakfast Homestay (with two guest rooms – Section 603.09) to a Bed and Breakfast Inn (with four guest rooms – Section 603.10) in an existing five-bedroom, 6,200 square-foot home.

The subject parcels (104-54-051J and L) are located at 6655 E Renegade Trail in Hereford, AZ. The Applicant is Jerry Hatfield of the same address.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 8.01 Acres
Zoning: RU-4 (Rural, 1 Dwelling per 4 Acres)
Growth Area: Category D (Rural)
Plan Designation: Rural Density Residential
Area Plan: Southern San Pedro Valley Area Plan
Existing Uses: Bed and Breakfast Homestay with two guest rooms
Proposed Uses: Bed and Breakfast Inn with four guest rooms

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Undeveloped Land
South	RU-4	Rural Residential
East	RU-4	Undeveloped Land
West	RU-4	Rural Residential

II. PARCEL HISTORY

1996 – Permit issued for a 3,186 square foot home with temporary RV enclosure.

2004 – Permit issued for a 1,450 square foot addition (2 bedrooms and 4 bathrooms), and 495 square feet of storage space. The permit was issued as "owner-builder opt-out," which is an option for homeowner-builders in Category D areas for residential construction only. This option is intended to provide permit flexibility for owner-occupied homes, and is not an option for commercial projects. The permit was thus conditioned for residential use only.

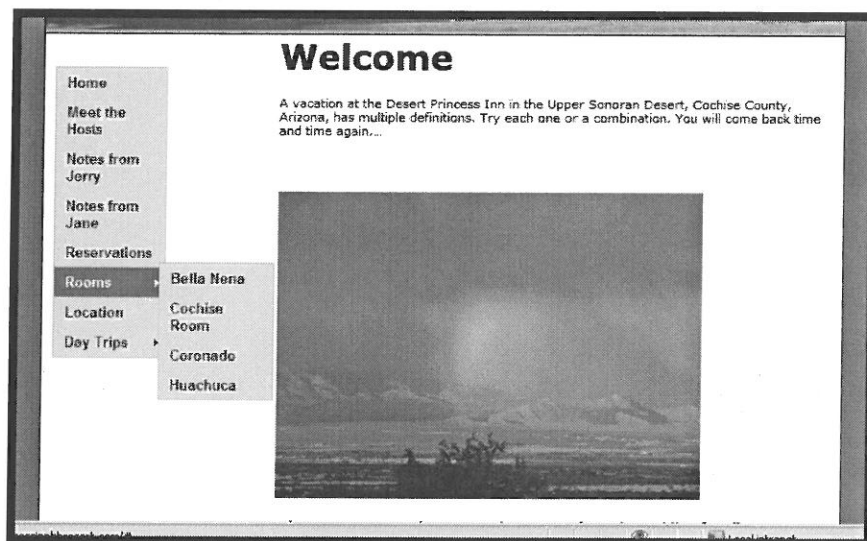
2008 – Permit issued for Bed & Breakfast Homestay, an as-of-right permit in an RU-4 District. The operation used/uses the bedrooms previously permitted as residential only under the owner-builder opt-out plan.

The Application and subsequent advertisements for this Docket list the existing structure as 6,200 square feet. County permit records for the original home and Applicant's additions add up to 5,096 square feet. The Department's records do not reflect the Applicant's stated size of 6,200 square feet for the proposed operation.

There are no violations or other code enforcement actions for the subject parcel.

III. PROJECT DESCRIPTION

The Applicant seeks to expand his existing Bed & Breakfast Homestay (the Desert Princess Inn) with two rooms into a Bed & Breakfast Inn with four rooms. The project site is fully built out, the rooms are fully furnished and no new construction is proposed.

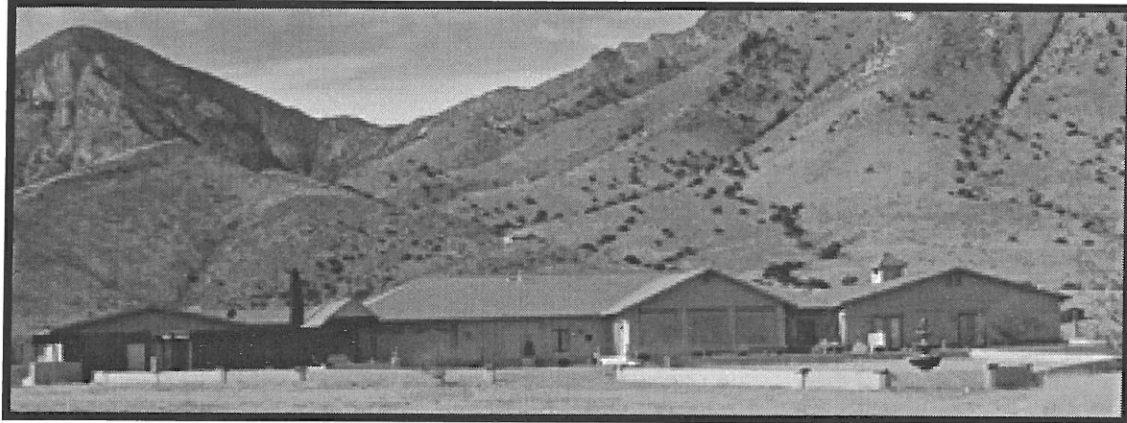


The Applicant's website and other Bed & Breakfast internet directories currently list the four rooms as available for rent. As such, the Application should more accurately be characterized as a request to legitimize an existing Bed & Breakfast Inn operation.

IV. ANALYSIS OF IMPACTS - COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of 10 criteria with which to evaluate Special Use applications. These are considered factors in determining whether or not to approve

a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Six of the 10 criteria apply to this request; it is unknown whether the factor concerning water conservation applies or if the project would comply with the factor if it did. The project complies with three factors as submitted; with the recommended conditions (1 and 2), the proposal would comply with five of the six factors.



Westward view of the Desert Princess Inn.

A. Compliance with Duly Adopted Plans: Complies

The project site is within the boundaries of the Southern San Pedro Valley Area Plan, and carries a Rural Density Residential plan designation. Special Uses in RU Districts listed as acceptable within the plan area include "Resorts, guest ranches and group camps." Although Bed & Breakfast uses are not specifically referenced by the plan, the proposed use is a similar use to the above list. At four rooms, the scale of the project might be considered smaller than a resort or group camp.

B. Compliance with the Zoning District Purpose Statement: Complies

The project would comply with Section 601.02 of the Zoning Regulations, which calls out non-residential uses compatible with rural living.

C. Development Along Major Streets: Not Applicable

This factor examines the number of additional access points that a project would create along major County roads. The project is situated along a private dirt road that is not within the County maintenance system. The Applicant's Renegade Trail access point is approximately 460 feet West of Coronado Memorial Road, which is County-maintained.

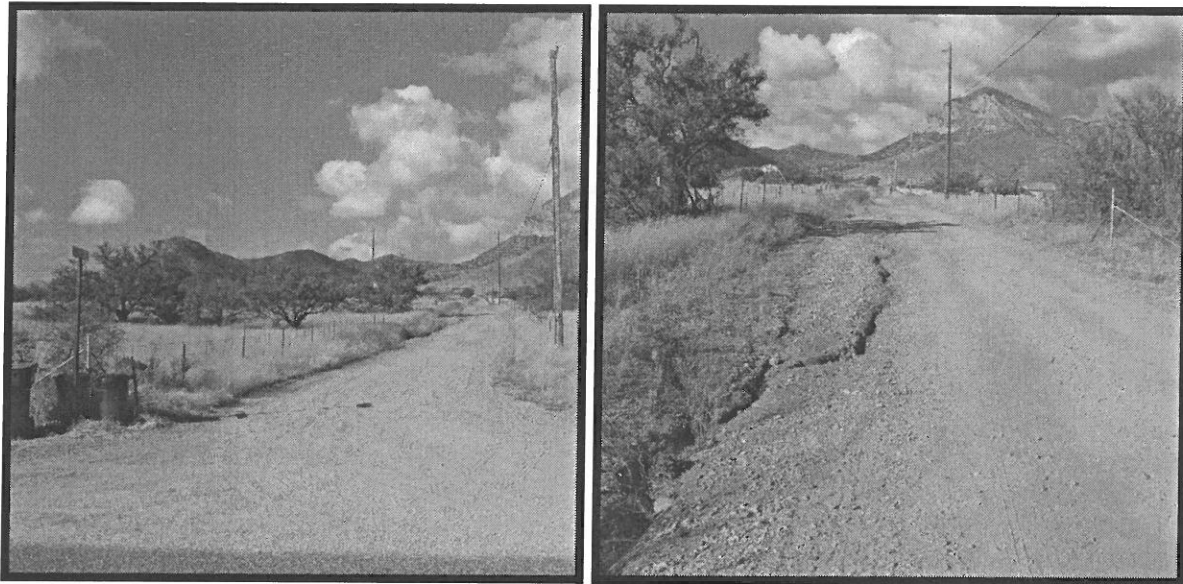
D. Traffic Circulation Factors: Does Not Comply

Section 102.B.3.a of the Comprehensive Plan discourages non-residential development from directly accessing streets that primarily serve residential areas. The nature of development in the area would be characterized as Rural Density Residential (and is so designated by the Southern San Pedro Valley Area Plan).

E. Adequate Services and Infrastructure: Complies (Subject to Condition #2)

The site is served by an on-site well and septic system. SSVEC provides electric power, and the property is within the Palominas Fire District.

The business takes access from Renegade Trail, a 20-foot wide private road. The road between the Applicant's driveway and Coronado Memorial Road is partially eroded in places. Staff recommends, as Condition #2, that prior to operation the Applicant sign a private maintenance agreement with County staff to ensure that this portion of Renegade Trail is maintained in a safe, passable condition.



Two views of Renegade Trail: Looking West at the Coronado Memorial Road intersection (left) and of the eroded roadway (right).

F. Significant Site Development Standards: Complies (Subject to Condition #1)

The proposal as submitted can meet all applicable site development standards. The Applicant would be responsible for providing an approve ADA parking space. The existing parking area, which is paved and has a firm, stable path to the Northwest entryway to the business can accommodate the required space with little modification (striping and handicapped parking sign). Condition #1 would require that, prior to permit issuance, the Applicant submit a revised site plan demonstrating compliance with all site development standards.

G. Public Input: Does Not Comply

Bed & Breakfast Homestay businesses are permitted as-of-right in Rural Districts. When considering a Bed & Breakfast Inn use, Section 1719 of the Zoning regulations requires that the Department notify neighbors within 1,500 feet of the subject property of the Applicant's intentions. In the event that a neighbor objects, the project proceeds as a Special Use Permit.

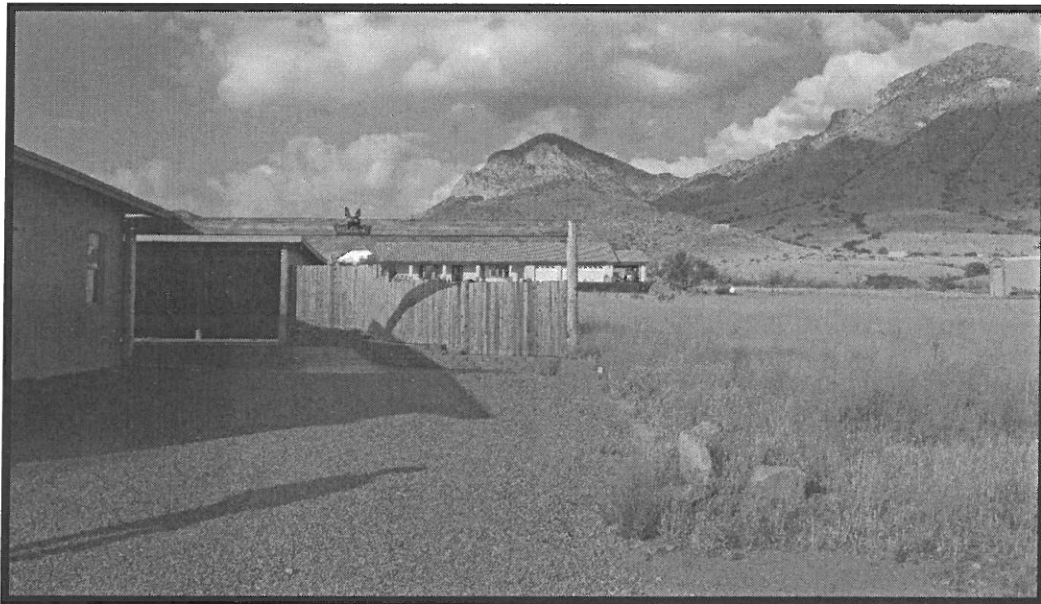
The Applicant took the extra step of notifying neighbors within the 1,500 foot buffer area *prior* to the required County mailing, and received no response. During the County's initial round of

mailings, however, the Department received letters opposing the project from four neighbors. The project was thereafter considered a Special Use Permit, and the Applicant completed the Citizen Review process as required for all Special Use Dockets. In this round of mailings, the Applicant received no response.

In the last round of mailings, this time by County staff, one neighbor wrote back expressing support for the project.

On November 25, 2009, the Department received a petition signed by owners of 18 properties in the neighborhood opposing the Special Use. The petition and cover letter is attached, and offers reasons related to preserving the rural "quiet and peaceful setting," opposition to commercial land uses in the neighborhood, claims that the Applicant's 3-foot wall along Renegade Trail has created erosion problems on the road, and concerns about additional traffic generated by special events such as weddings and entertainment events. The petition is signed by three of the four neighbors who objected during the initial round of County mailings. Seven of the 18 objecting neighbors and the one supporting neighbor are within the 1,500-foot notification buffer.

H. Hazardous Materials: Not Applicable



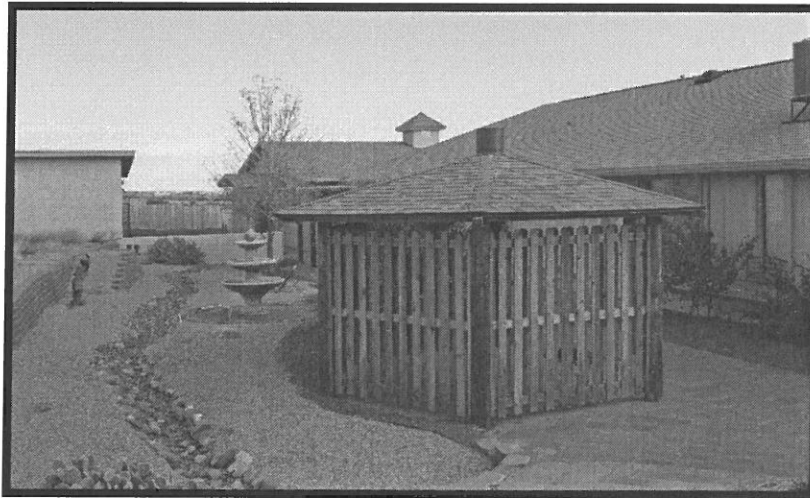
Looking West at the entrance to the parking area. The fence here mitigates headlight glare impacts to the neighbor West of the property. The parking area can accommodate an ADA space with the addition of signage and striping.

I. Off-Site Impacts: Complies

The Applicant has taken care to avoid and/or mitigate the minimal off-site impacts associated with the project. The home is set back a considerable distance from all property lines. Non-residential traffic along Renegade Trail has been lessened due to the location of the driveway in relation to the home. A wooden fence along the North side of the covered parking area shields the Western neighbor from headlight glare. The rear (West side) of the business is set into the side of a gradual slope which continues to gain elevation towards the Western property line. Moreover, the Desert Princess is marketed towards clients seeking a quiet, desert retreat.

J. Water Conservation: Unknown

Because the business-related additions to the existing home were permitted as owner-builder opt-out, the Department was unable to enforce Sierra Vista Sub-Watershed policies during construction. It is not known whether the original fixtures or those added during the expansion comply with the Sub-Watershed policies. With four rooms for rent in addition to the residents' bedroom, and an indoor jacuzzi, the project has the potential to use significantly more water than would a single family residence.



Northward view of the West side of the business.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500 feet. Staff posted the property and published a legal notice in the *San Pedro Valley News-Sun* on November 19, 2009. Eighteen neighbors object to the proposal, and one neighbor supports it. Public input is discussed in greater detail in Section IV of this Memo, above.

VI. SUMMARY AND CONCLUSION**Factors in Favor of Allowing the Special Use**

1. The Applicant can meet all site development standards without requesting any modifications.
2. With Conditions #1 and #2, the project would comply with five of the six applicable Special Use factors.
3. One neighbor supports the project.

Factors Against Approval

1. The business currently advertises each of the four rooms as available for rent. The existing Bed & Breakfast Homestay permit authorizes two rooms for rental.

2. The manner in which the business has developed (owner-builder opt-out to commercial) has made building code compliance, Sierra Vista Sub-Watershed policies and other issues typical of non-residential permits difficult or impossible to verify and/or enforce.
3. Eighteen neighbors oppose the Special Use.

VII. RECOMMENDATIONS

Based on the factors in favor of denial, particularly the significant neighborhood protest, staff recommends **denial** of the Special Use request.

Sample Motion (in the affirmative): *Mr. Chair, I move to approve Docket SU-09-21, based on the Factors in Favor of approval as the Findings of Fact, with the conditions of approval recommended in the staff report.*

Should the Commission vote to approve the request, the Planning Department recommends the following conditions of approval:

1. Within thirty (30) days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall submit and obtain a building/use permit for the project within 12 months of approval, including a completed joint permit application. The building/use permit shall include a site plan in conformance with all applicable site development standards and with Section 1705 of the Zoning Regulations, the completed Special Use Permit questionnaire, and appropriate fees. A permit must be issued within 18 months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant.
2. Prior to operation, the Applicant shall enter into a private maintenance agreement with County staff, to ensure that Renegade Trail between the project site and Coronado Monument Road is maintained in a safe, passable condition.
3. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.
4. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

IX. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Site Plan
- D. Citizen Review Report
- E. Public Comment
- F. Support/Protest Map



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER:

104-54-051 J & L

APPLICANT:

JERRY L. HATFIELD

MAILING ADDRESS:

6655 E. RENEGADE TRAIL, HEREFORD
85615

CONTACT TELEPHONE NUMBER:

520-366-6655

PROPERTY OWNER (IF OTHER THAN APPLICANT):

ADDRESS:

DATE SUBMITTED:

10/23/09

Special Use Permit Public Hearing Fee (if applicable)

Building/Use Permit Fee

Total paid

\$ 300.00

\$ -0-

\$ 300.00

check # 1646
receipt # 1818

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Sierra Vista Sub-Watershed Water Conservation Overlay Zone Permit Checklist
7. Traffic Impact Analysis (TIA): Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.
8. Material Safety Data Sheets
9. Extremely Hazardous Materials Tier Two Reports
10. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. Attach separate pages if the lines provided are not adequate for your response. Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? RESIDENCE; HOME STAY
BED AND BREAKFAST (OWNER OCCUPIED)
2. What is the proposed use or improvement? ELEVATE TO "INN"
STATUS; HAVE FOUR ROOMS AND COVERED
PARKING FOR FOUR AUTOS; CURRENTLY USING TWO
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? NONE; GUESTS
PARK, SLEEP AND ARE PROVIDED BREAKFAST

4. Describe all intermediate and final products/services that will be produced/offered/sold.

NO PRODUCTS SOLD

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal).

EXISTING

6. Will the project be constructed/completed within one year or phased? One Year _____
Phased _____ if phased, describe the phases and depict on the site plan.

EXISTING ; ALL SPACE HAS BEEN
INSPECTED AND APPROVED FOR OCCUPANCY

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 24 Hours (from _____ AM to _____ PM)

B. Number of employees: Initially: 0 Future: 0
Number per shift Seasonal changes _____

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

MAXIMUM OF FOUR

(2) Total trucks (e.g., by type, number of wheels, or weight)

NONE

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

EAST ON RENEGADE TRAIL TO CORONADO MEMORIAL ROAD

(4) If more than one direction, estimate the percentage that travel in each direction

N/A

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest

VARIOUS ; NO CONCENTRATION

D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

PRIVATE WELL; SIMILAR TO ANY FOUR
Estimated total gallons of water used: per day BEDROOM HOUSE

E. Will you use a septic system? Yes X No If yes, is the septic tank system existing? Yes X No
Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access? Yes X No
D. If no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one): No private road or easement**
DEDICATED BUT NOT COUNTY No County-maintained road
MAINTAINED No State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.
Attached NA X

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	<u>PRIVATE WELL</u>	
Sewer/Septic	<u>SEPTIC</u>	
Electricity	<u>SSVEC</u>	
Natural Gas	<u>NONE</u>	
Telephone	<u>QWEST</u>	
Fire Protection	<u>PALOMINAS</u>	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

NONE

2. Will outdoor storage of equipment, materials or products be needed? Yes ☐ No ☒ If yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. _____
3. Will any noise be produced that can be heard on neighboring properties? Yes ☐ No ☒ If yes, describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? _____
4. Will any vibrations be produced that can be felt on neighboring properties? Yes ☐ No ☒ If yes, describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____
5. Will odors be created? Yes ☐ No ☒ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____
6. Will any activities attract pests, such as flies? Yes ☐ No ☒ If yes, what measures will be taken to prevent a nuisance on neighboring properties? _____
7. Will outdoor lighting be used? Yes ☐ No ☒ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.
8. Do signs presently exist on the property? Yes ☐ No ☒ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.
- A. _____ B. _____ C. _____ D. _____
9. Will any new signs be erected on site? Yes ☐ No ☒ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes ___ No X

If yes, will storm water be directed into the public right-of-way? Yes ___ No ___

Will washes be improved with culverts, bank protection, crossings or other means?
Yes ___ No X

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)
4" CRUSHED AGGREGATE

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes ___ No X If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

GUTTERS ON HOUSE

2. How many acres will be cleared? NONE
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.)

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No X Yes _____ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts.

The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

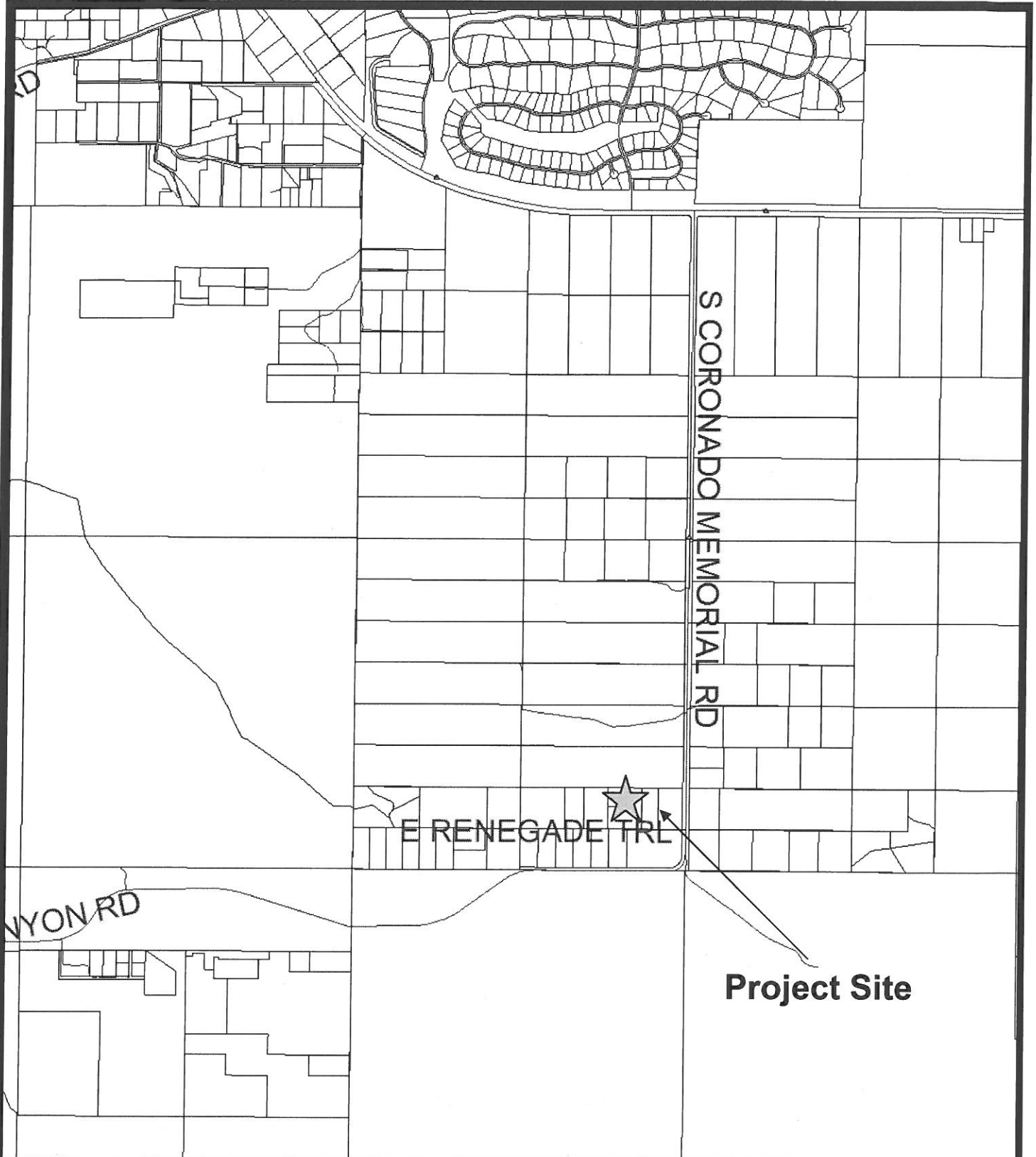
SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use Building Special Use Permit.

Applicant's Signature _____

Date signed _____

10/23/09



Docket SU-09-21
(Hatfield)
Location Map

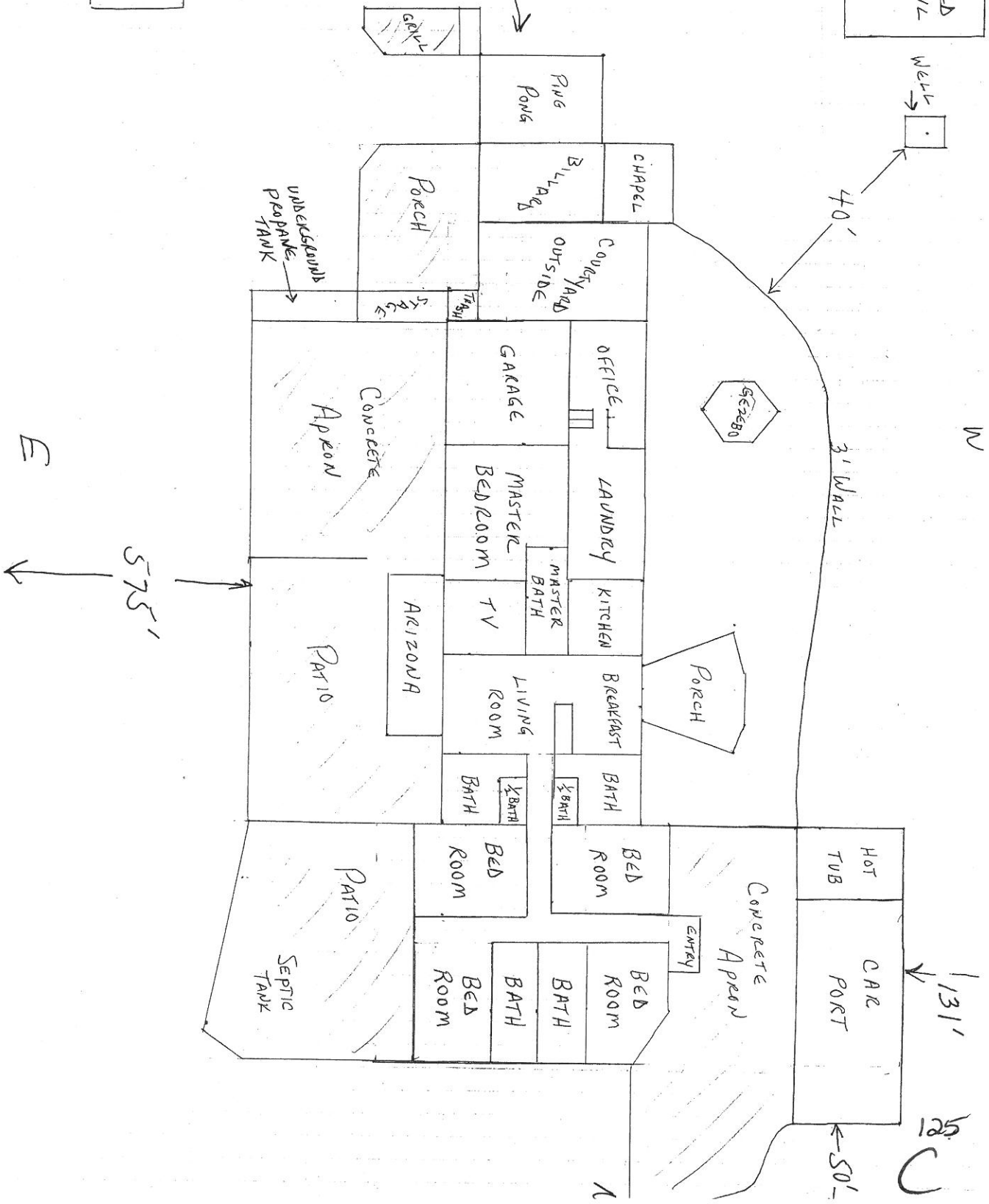
This map is a product of the
Cochise County GIS



0' 1" = 2173'

JANE AND JERRY HARTFIELD
 6655 E. RENEGADE TRAIL
 HEREFORD, AZ 85615
 530-366-6655

SCALE 1" = 16'



September 19, 2009

Dear Neighbors,

We have, finally, gotten our inspection and permit to open the Desert Princess Inn. We would like to share with you some of the considerations we thought and prayed about in the design, construction and, now, the operation of our venture.

This is, first and foremost, our home. The bed and breakfast will be, merely, an extension of the way we live our lives. The guest rooms will be our only source of income. There will be no public weddings nor other events that could affect the serenity of our community.

The design, while conceptualized three years ago, evolved as we built. Each design and modification had a specific purpose as follows:

1. The wall along Renegade Trail has, significantly, cut down the noise and dust from the road. It sets two feet onto our property and it will maintained on the road side.
2. The low profile of the entire structure was designed to blend into the landscape and not obstruct anyone's view of our marvelous vistas.
3. The driveway was cut as close as possible to Coronado Memorial Road to minimize the traffic on Renegade Trail and put the maximum of six vehicles (two of our own plus one each for four guest rooms) onto our property as quickly as possible on a driveway we will maintain.
4. The stockade fence beside the guest carport is for the purpose of blocking the headlights of our guests' cars from shining on our neighbor's house. The ingress and egress of our guests should go, absolutely, unnoticed by our neighbors. No recreational vehicles (RV's) will be permitted and, only, vehicles that are lower than 8 feet will be permitted and must fit, completely, into the carport, out of the sight of passersby.
5. Most, if not all, of our guests will learn about us from the internet or referrals. They will have complete directions to our home and the only signage will be the "6655" at the end of the driveway which Paul and Alisa put there some 14 years ago.
6. The use of alcohol and tobacco is prohibited anywhere on the property.
7. Our guest rooms are available, with a two night minimum, to married couples and singles in separate rooms.
8. We will, occasionally, do shows and invite other musicians to perform, indoors only.
9. We have mowed and will continue to mow the entire 12 acres to reduce fire and varmint hazards.
10. We will keep no animals, other than our house dog.

September 19, 2009
Page 2

Cochise County RU-4 zoning permits a two guest room (Home Stay) bed and breakfast without need to seek community input. We have four guest rooms which, in Cochise County, is considered an "inn" and can require a community meeting (which costs us \$300) if someone objects. If you live within 1500 feet of our property, sometime soon you will receive a letter from Planning and Zoning informing you of our intent.

As you can see, we have tried to anticipate and mitigate any possible objections to our planned "inn" status. We may, however, have missed something that concerns you.

We would like to know of any concern you may have. Please call us at 366-6655, come over and discuss and take the tour of our home.

May 28th marked our eighth anniversary here in our home. When we moved in, we could not see another house from ours. We are delighted now to have neighbors, and we try to be good neighbors. We love it here.

Sincerely,

Jane and Jerry Hatfield
Desert Princess Inn
6655 E. Renegade Trail
Hereford, Arizona 85615
520-366-6655
www.DesertPrincessInn.com
DesertPrincessInn@powerc.net

cc: Ms. Susana Montana, Planning Manager
Cochise County Planning Department

D¹²⁷



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

September 17, 2009

Re: Notice of Application for a Bed and Breakfast Inn; Docket No. _____.

Dear Property Owner:

A neighboring property owner has applied for a Bed and Breakfast Inn operation in his home located on Parcel No. 104-54-051J at 6655 E. Renegade Trail in the Palominas area. The Applicant, Mr. Jerry Hatfield, currently operations a Bed and Breakfast "Homestay" on that property. A Homestay may have up to two guest rooms within a home, whereas an Inn may have up to four guest rooms within a home. In both cases, the operators must reside in the home. Per Section 1719 of the Cochise County Zoning Regulations, as an owner of property within 1,500 feet of the parcel where these quarters are being requested, you are hereby advised of this request and afforded the opportunity to support or protest the request with the attached form.

Bed and Breakfast Inn definition – A single household dwelling occupied by an owner or a full time resident residing in the dwelling, accommodating no more than four (4) guest bedrooms that are rented to no more than twelve (12) transient guest lodgers at any one time who may be furnished meals.

To qualify as a Bed & Breakfast Inn, the structure must meet the definition above and:

- Meet all site development standards such as setbacks from the property boundaries;
- Be zoned RU, R, SM, SR, MR, or NB;
- There shall be no alteration to the exterior residential appearance of the dwelling;
- A bed and breakfast dwelling may include new residential construction, constructed for this purpose, provided that the exterior appearance of the dwelling is residential in character; and
- Individual guest rooms shall not have kitchens.

The Applicant describes his proposed B&B Inn operation as follows:

1. There would be up to 4 guest rooms in the house and a maximum of 8 guests at any one time;
2. There will be no physical change to the structure; most of the exterior amenities exist (carport, fencing to shield headlights from the neighbor to the west, outdoor seating areas);
3. There will be no signage for the Inn operation;
4. The Inn would operate year-round and daily;
5. There would be no outdoor music and no outdoor events (such as weddings);
6. The covered parking is hidden from view from the street;

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7. The Applicants would live on the premises and operate the Inn as a "Mom & Pop" operation;
8. A cleaning lady would assist once a week;
9. Advertisements would be via local tourist magazines and the internet;
10. A typical guest stay would be a minimum of two days, there may be some "per diem"-paid stays for four to six weeks for newcomer or visiting area employees.

We have attached a copy of the Applicant's site plan and application. If you should have any written comments pertaining to this matter, please submit the attached form and return it to the Planning Department within 15 days from the date the notice was mailed (postmark date). If **no** protest is received, the Zoning Inspector (Planning Director) will issue the permit for the Bed and Breakfast Inn. **If a protest is received**, then the application will be denied or may be processed as a Special Use permit, if the property owner submits a Special Use Permit application. The Cochise County Planning Commission at a public hearing will consider the Special Use Permit. If a Special Use Permit application is submitted for this B&B Inn request, you will receive further notification.

If you have any questions regarding this matter, please do not hesitate to contact me at (520) 432-9252 or by email at smontana@cochise.az.gov.

Sincerely,

Susana Montana, Planning Manager

Attachment

C: Susan Buchan, Planning Director
Rich Corley, Zoning Administrator
Dora Flores, Permit Coordinator
Jennifer Vincent, Senior Planning Technician
Docket, Black Bear, Parcel File

"Public Programs; Personal Service"

www.cochise.az.gov

D
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BED AND BREAKFAST INN COMMENT LETTER

Docket B&B-09-01

Property Owner Name: GREG & CATHY CHOUINARDTelephone Number: 520-266-4559Mailing Address: 11064 S. CATTLE DR., HEREFORD AZ 85615
Street # Town State Zip code

Email Address: _____


Parcel Number: 104 54 053

Physical address of your property (if different from above) _____

Date: 10-2-09

We, the undersigned owners of property located within 1,500 feet of the parcel for which a Bed and Breakfast Inn is requested, **object** for the following reasons:

1) INCREASE IN TRAFFIC 2) THIS IS SUPPOSED TO BE A RESIDENTIAL ZONE. WE HAVE NO PROBLEM WITH A 2 ROOM B & B, BUT ARE NOT IN FAVOR OF A 4 ROOM INN. 3) THE APPLICANT, HATFIELD HAS ALREADY BUILT THE SAID STRUCTURE ADDITIONS WITH THE INTENT OF A 4 ROOM INN. THE APPLICATION SHOULD HAVE BEEN MADE PRIOR TO ANY CONSTRUCTION

Signature (s):  Catherine McChouinard

Return to: COCHISE COUNTY PLANNING DEPARTMENT
1415 Melody Lane, Bisbee, Arizona 85603
(520) 432-9240 Fax 432-9278

Office Use Only

Date received: _____

Received within 15 days of mailing of Property owner letter: Yes: _____ No: _____

Postmarked date of letter: 9/22/09

BED AND BREAKFAST INN COMMENT LETTER

Docket B&B-09-01

Property Owner Name: VAIRA HARIKTelephone Number: 520-508-1053Mailing Address: PO BOX 4142 BISBEE AZ 85603
Street # Town State Zip codeEmail Address: VAIRAHARIK@MSN.COMParcel Number: 104-54-050 KPhysical address of your property (if different from above) 6477 E. MONTEZUMA CANYON RDDate: 9/30/09 HEREFORD AZ 85615

We, the undersigned owners of property located within 1,500 feet of the parcel for which a Bed and Breakfast Inn is requested, **object** for the following reasons:

The proposed B+B is located on an unpaved and poorly maintained dirt road. Anyone driving on it raises dust which is a nuisance to neighbors. Additional traffic due to the proposed expansion of this B+B would only exacerbate this problem. Additionally, this is a quiet residential neighborhood and the proposed use is inconsistent

Signature (s): Vaira Harik

Return to: COCHISE COUNTY PLANNING DEPARTMENT
1415 Melody Lane, Bisbee, Arizona 85603
(520) 432-9240 Fax 432-9278

Office Use Only

Date received: 9/30/9Received within 15 days of mailing of Property owner letter: Yes: ☒ No: ☐

Postmarked date of letter: 9/22/09

with the character of our neighborhood.
lastly, the tasteless purple color that the owners have painted all structures and walls on their property has rendered it an eyesore enough without doubling the amount of traffic that would be coming and going from there.

"Public Programs; Personal Service"

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BED AND BREAKFAST INN COMMENT LETTER

Docket B&B-09-01

Property Owner Name: FLOYD & CAROL TAYLORTelephone Number: 520 366 5236Mailing Address: 6603 E-RENEGADE TR AZ. 85615
Street # Town State Zip codeEmail Address: FLOYDSOFFICE@TAYLOR.COMParcel Number: 104-54-051D-1

Physical address of your property (if different from above) _____

Date: 9-26-09

We, the undersigned owners of property located within 1,500 feet of the parcel for which a Bed and Breakfast Inn is requested, object for the following reasons:

MORE DAMAGE TO DIRT, MORE DUST AND
ERROSION - MORE NOISE, PEOPLE & AUTOS

THIS PROJECT WILL IN NO WAY IMPROVE OUR
COMMUNITY, BUT WILL DEGRADE IT. I DO NOT
WANT TO COMMERCIALIZE OUR COMMUNITY,

Signature (s): Floyd J Taylor

Return to: COCHISE COUNTY PLANNING DEPARTMENT
1415 Melody Lane, Bisbee, Arizona 85603
(520) 432-9240 Fax 432-9278

Date received: <u>9/29/09</u>	Office Use Only
Received within 15 days of mailing of Property owner letter: Yes: <u>X</u> No: _____	
Postmarked date of letter: 9/22/09	

BED AND BREAKFAST INN COMMENT LETTER

Docket B&B-09-01

Property Owner Name: HAROLD E. BROWN & MARGIETelephone Number: 520-366-5475Mailing Address: 6589 E RENEGADE TRL HEREFORD AZ 85615
Street # Town State Zip code

Email Address: _____

Parcel Number: 104-54-0514-7 ~~0514~~ 7BPhysical address of your property (if different from above) SAMEDate: 9/26/09

We, the undersigned owners of property located within 1,500 feet of the parcel for which a Bed and Breakfast Inn is requested, **object** for the following reasons:

I OBJECT TO A BED & BREAKFAST INN, MORE
DAMAGE TO OUR DIRT ROAD RENEGADE, MORE
TRAFFIC NOISE, DUST & EROSION OF THE ROAD.
THIS IS A QUIET NEIGHBORHOOD, WE DON'T WANT NOISE FROM
PEOPLE STAYING HAVING PARTIES ETC

Signature (s): Harold E Brown Margie Brown**Return to:** COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240 Fax 432-9278

Office Use Only	
Date received: <u>9/28/9</u>	
Received within 15 days of mailing of Property owner letter: Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	
Postmarked date of letter: 9/22/09	

"Public Programs; Personal Service"

www.cochise.az.gov

October 10, 2009

Dear Neighbors,

No one responded to our last letter which in the third and second last paragraphs stated:

"As you can see, we have tried to anticipate and mitigate any possible objections to our planned "Inn" status. We may, however, have missed something that concerns you. We would like to know of any concern you have. Please call us at 366-6655, come over and discuss and take the tour of our home."

Four households did, however, send back to the Planning and Zoning (P&Z) department the form stating objections. Therefore, we are making an application to have heard before the P&Z Board in December.

As stated in the letter from P&Z Planning Manager, Susanna Montana to you on September 22, 2009, we are, clearly, within the Zoning Code for RU-4, and a granting by the P&Z Board of a "Special Use Permit" does not trigger a zone change nor set a precedent. Anyone who wishes will be given an opportunity to speak at the meeting, either for or against the "Special Use Permit." The P&Z department will, also, present their position on the matter.

With the exception of one objection to the color of our house, none of the objections are about what we have done, but are about fears of what may happen.

I do hope that those of you who have objections will reconsider, give us a call at 366-6655 and discuss how your fears may be put to rest.

Respectfully,



Jerry L. Hatfield
6655 E. Renegade Trail
Hereford, Arizona 85615

cc. Keith Dennis, Planning and Zoning

SPECIAL USE: Docket SU-09-21 (Hatfield)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

X NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: We have the following concerns:

① Dust Problems

② Water usage

③ ~~the~~ Commercialization of residential area.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Dennis E. Cooper

Margaret G. Cooper

SIGNATURE(S):

Dennis E Cooper

Margaret G Cooper

YOUR TAX PARCEL NUMBER: 10454051 D (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 3451 PLAZA DE LANZA, Sierra Vista, AZ 85650

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on November 30, 2009 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: kdennis@cochise.az.gov

Fax: (520) 432-9278

SPECIAL USE: Docket SU-09-21 (Hatfield)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

asset to the area.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Jane Bischoff

SIGNATURE(S):

JCB

YOUR TAX PARCEL NUMBER: 104-54-061A3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

6867 Vista Bonita Ariz

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on November 30, 2009 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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Fax: (520) 432-9278

COCHISE COUNTY

PLANNING

PLANNING

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11-16-09
01

Document # B&B-09-

Page 1

of 3

Petition to: Cochise County Planning Department

Dear Planning Department:

We, the residents of Rancho Sierra Grande are opposed to a Special Use Permit for a Bed & Breakfast Inn allowing a total of 12 guests on Renegade Trail. REF: (B&B-09-01)

We purchased the property here in Rancho Sierra Grande because of the rural area with a quiet and peaceful setting. We do not want to see commercialization take place in this area.

The street Renegade Trail is in extremely poor condition. Any additional traffic will only serve to further degrade the street that Mr. Hatfield claims is better because of his wall that he had constructed. He claims that it significantly cuts down on the noise and dust from the street. This wall has very little affect, if any, on noise or dust that Mr. Hatfield claims the wall is doing for us. The wall is very low to the ground, maybe 1 to 3 feet at the highest place, which is not enough to help in any way. In fact, it causes problems now. There is additional water running down the road because of the wall and is now making new ruts to drive through. There is also the safety issue with the cars going down the road catching a rut and going into the wall.

Mr. Hatfield also states that the expansion of his property was designed to blend in with our surroundings. The truth is that the lavender color he painted does not blend in and in fact it is an eyesore.

Mr. Hatfield mentions in his brochure for his B&B, that he will have weddings and entertainment from time to time. This will create more traffic on Renegade Trail adding to the problem of the road and the view of our beautiful country that surrounds us.

We the residents of Rancho Sierra Grande do agree to this testimony.

Print Name FLOYD (Jim) TAYLOR

Print Name CAROL (J) TAYLOR

Address 6603 E. RENEGADE TR.

Address 6603 E. RENEGADE TR.

Sign Name Jim Taylor

Sign Name Carol Taylor

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01

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of 3

Page 2

Petition to: Cochise County Planning Department

We the residents of Rancho Sierra Grande do agree to this testimony from page 1 of 3.

Print Name GREG CHOLIVARD

Print Name CATHY CHOLIVARD

Address 11064 S. CATTLE DR
HEREFORD AZ 85615

Address 11064 S CATTLE DR
HEREFORD AZ 85615

Sign Name Danny Chouinard

Sign Name Cathy Chouinard

Print Name Buck MANTSCH

Print Name faulette Bower

Address 6910 E. Lone Oak
HEREFORD AZ

Address 6910 E Lone Oak Rd
Hereford, AZ 85615

Sign Name Buck Mantsch

Sign Name Faulette Bower

Print Name Robert P. Stephen

Print Name YVONNE STEPHAN

Address 6401 Montezuma Canyon Rd
Hereford, Az 85615

Address 6401 E Montezuma Canyon Road
Hereford, Az 85615

Sign Name Robert P Stephen

Sign Name Yvonne Stephen

11-16-09
01

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of 3

Petition to: Cochise County Planning Department

We the residents of Rancho Sierra Grande do agree to this testimony from page 1 of 3.

Print Name HAROLD E. BROWN

Address 6589 E. RENEGADE TR L
HEREFORD AZ 85615

Sign Name Harold E. Brown

Print Name JAMES A. JONES

Address 6687 E. Montezuma
Hereford, AZ 85615

Sign Name James A. Jones

Print Name Vincent Speece

Address 6303 E. Montezuma
Canyon Rd Hereford AZ 85615

Sign Name Vincent Speece

Print Name JENNIS E. COOPER

Address 3451 PLAZA DE LANZA
Sierra Vista, AZ 85650

Sign Name Jennis E. Cooper

Print Name DONALD MORRIS

Address 6596 E Renegade Tr.
Hereford, AZ 85615

Sign Name Donald Morris

Print Name JOHN E. STARNES

Address 11411 BROWN RANCH RD
HEREFORD AZ 85615

Sign Name John E. Starnes

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01

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Page 1

of 3

Petition to: Cochise County Planning Department

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We the residents of Rancho Sierra Grande do agree to this testimony.

Print Name JAMES A. MORRISON Print Name _____

Address 6777 EAST DESPOMADO DR Address _____

HEMLOCK, AZ 85615

Sign Name [Signature] Sign Name _____

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01

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of 3

Petition to: Cochise County Planning Department

We the residents of Rancho Sierra Grande do agree to this testimony from page 1 of 3.

Print Name RAFAEL CAMBEROS
Address 6210 E. RENEGADE TR
HEREFORD AZ 85615
Sign Name Rafael Camberos

Print Name LUIS CAMBEROS
Address 6210 E. Renegade Trail
Hereford, AZ 85615
Sign Name Luis Camberos

Print Name Bruce Norton
Address 6650 E Dagsperado Dr.
Hereford AZ 85615
Sign Name Bruce Norton

Print Name Cathy Norton
Address 6650 E Dagsperado Dr
Hereford, AZ 85615
Sign Name Cathy A. Norton

Print Name JOHN MIMS
Address 10792 S. Coronado Mtn Rd
Hereford, AZ 85615
Sign Name John Mims

Print Name Julie Chapman-Mims
Address 10792 S. Coronado Mtn.
Hereford, AZ
Sign Name Julie Chapman-Mims

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Petition to: Cochise County Planning Department

We the residents of Rancho Sierra Grande do agree to this testimony from page 1 of 3.

Print Name Dave Young
Address 6767 E Calle Montes
Hereford, AZ 85615
Sign Name David G. Young

Print Name Phyllis Young
Address 6767 E Calle Montes
Hereford AZ 85615
Sign Name Phyllis Young

} Not
Mailing
Address

Print Name MARY Johns
Address 6585 E. Desperado
HEREFORD, AZ. 85615
Sign Name Mary Johns

Print Name Charles M. Johns
Address 6585 E. Desperado Dr.
Hereford AZ 85615
Sign Name Charles M. Johns

Print Name PAUL FUNK
Address 6887 LOS ANGELES
Sign Name Paul Funk

Print Name _____
Address _____
Sign Name _____

Support

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Protest

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18

1 Support and 7 Protest within the 1,500-foot buffer area.

1,500-foot Buffer

Project Site